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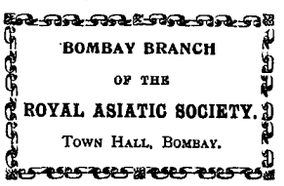

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THE ACTS

OF THE

PARLIAMENTS

OF

SCOTLAND.

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VOL. XI.

A. D. M.DCC.II. — A. D. M.DCC.VII.

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KING GEORGE THE FOURTH,

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January 1836.

PREFACE TO THIS VOLUME.

THE following Volume contains the Acts and Proceedings of five successive Sessions of the Parliament of Scotland, holden during the reign of Queen Anne, between the period of Her Majesty's Accession to the Crown in the year 1702, and that of the Union of the Kingdoms of Scotland and England in the year 1707. The first of these Sessions was a continuation of the same Parliament which had been originally convoked as a Meeting of the Estates of the Kingdom in 1689, and whose existence as a Legislative body after the demise of the late King had been prolonged by an "Act for the Security of the Kingdom," passed in the year 1696*. This Parliament was dissolved by Royal Proclamation on the 14th day of August 1702; and the succeeding Sessions whose Proceedings are contained in this Volume, have been usually distinguished as the First, Second, Third, and Fourth Sessions of the First Parliament of Queen Anne.

The Record of the Proceedings of these successive Sessions of Parliament, from the commencement of the first, on the 9th day of June 1703, to the 27th day of November 1706, had been framed in the usual form under the authority of the Lord Clerk Register; and in this Volume it has been exactly followed: But in the middle of the Proceedings of the day last mentioned, the Record terminates abruptly†; and it has thus been rendered necessary to draw the remaining Proceedings of that most important Session from such of the Original Warrants as yet exist, and have been found in His Majesty's General Register House; and, in a few instances, from Extracts or Official Copies of particular Acts under the signature of the Lord Clerk Register.

This incomplete state of the Record of the last Session of the Parliament of Scotland, commonly known by the name of The Union Parliament, has been long a matter of notoriety and regret‡: but the evil would now have proved of the less importance had it not been found that

* Vide Acta Parl. Scot. Vol. X. p. 59.

† Vide infra, p. 337.

‡ In a Letter addressed by the Lord President Forbes to the Earl of Hardwicke, dated at Edinburgh, Feb. 29, 1740,—it was stated as what would be matter of surprise and astonishment to those who were aware of the official duties of the Lord Clerk Register, that "tho' at the conclusion of every Parliament of Scotland before that in which the Union was "enacted, all the Proceedings of Parliament were regularly reduced into Registers properly authenticated, yet the Acts "and Transactions of that Parliament lye still in heaps of bundles unentered and unregistered; and it is now at the mercy "of every Rat, by cutting the pack thread with which the several bundles containing the Resolutions of that Parlia-"ment are bound up, to mix them together so as to make it difficult to separate them, and consequently to destroy the "Evidence of the very Act of the Union." Culloden Papers, London, 1815.

a considerable number of Parliamentary Ratifications, and of Acts proceeding on private Petitions were irritrievably lost. It is fortunate, however, that the loss does not extend to any matters of national concern, and that the series of proceedings relative to the Union of the Kingdoms remains complete.

In this, as in the three preceding Volumes, the Minutes of Parliament, together with some relative documents not included in the Record, have been printed in an Appendix; with the exception of the Minutes of the last Session or Union Parliament. Having previously adopted these into the Text without any omission, their repetition in the Appendix would have been superfluous; but as a proper Supplement to the imperfect Record of that Session, there has been given in the Appendix a collection of Petitions and other Documents, by means of which the greater number of defects in the Text will, in substance at least, be supplied.

By an Act of the Parliament of Scotland in June 1702, Her Majesty was enabled to appoint Commissioners to treat for an ~~Union between the~~ Kingdoms of Scotland and England: and in September 1705 another Act of similar tenor was passed; in pursuance of which the Commissioners for the two Kingdoms were directed by their respective Commissions to set down and reduce their Proceedings in the said matter into Writings or Instruments to be signed and sealed by them, and to be presented to Her Majesty and to the respective Parliaments of Scotland and England. From the authenticated Copies preserved in His Majesty's General Register House, the Proceedings under both Commissions have been printed in the Appendix, and form a fit conclusion to the last Volume of the Acts of the Parliaments of this ancient Kingdom.

T. THOMSON.

May 1, 1824.

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AND OTHER

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Acta Parliamentorum

ANNÆ REGINÆ.

Apud Edinburgh,

IX DIE JUNII, A. D. M,DCC,II.

THE LAWS and ACTS of the PARLIAMENT of Our most High and Dread Soveraign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the Ninth day of June I^{mo} vij^{c} and two years by Warrand of the Seventeenth Act of the Sixth Seſsion of the Parliament of *King* William, by His Grace James Duke of Queensberry, Marqueſs of Dumfreisſhire Earl of Drumlangrig and Sanquhar Viscount of Nith Tothorwald and Roſs Lord Douglaſs of Kinmount Midlebie and Dornock &c. Principal Secretary of State for the Kingdom of Scotland One of the Lords of her Majesties most honourable Privy Council Thesaury and Exchequer An Extraordinary Lord of Seſsion and Knight of the most Noble Order of the Garter, Her Majesties High Commiſsioner for holding the ſame By vertue of a Commiſsion under the Great Seal of this Kingdom

WITH the ſpecial Advice and Consent of the Estates of Parliament underwritten.

ROLL of the Nobility Barons and Burgeſses present in PARLIAMENT

THE EARL OF MARCHMONT LORD HIGH CHANCELLOR

The Lord Montgomery as Lord High Thesaurer

The Earl of Melvill Lord President of the Secret Council

The Marqueſs of Annandale Lord Privy Seal.

Duke of Argyll
Marqueſs of Lothian
Earl of Seafield Lord Secretary

EARLS of
Crauford
Mar
Mortoun
Buchan
Glencairn
Eglintoun
Kellie
Galloway
Lauderdale
Loudoun
Dalhouſsie

Findlater
Leven
Northesk
Kintoir
March
Hyndford

VISCOUNTS of

Tarbat
Stair
Roseberry

LORDS

Forbes
Elphinstoun
Burghleigh
Jedburgh
Reay
Frazer
Bellenden
Boyle

LESSER OFFICERS OF STATE

Lords Advocat
Thesaurer Depute
Justice Clerk

COMMISSIONERS FROM THE BARONS OF THE SHIRES of

Edinburgh
Sir John Clerk of Pennycook
Haddingtoun
Sir Robert Sinclair of Stevenstoun
William Morison of Prestoungrange
Berwick
Sir John Swintoun of that Ilk
Roxburgh
John Scot of Well
Archbald Douglaſs of Cavers
Peebles
Alexander Horseburgh of that Ilk
Lanerk
Sir William Denholm of Westshiells
Sir William Stuart of Castlemilk
Dumfreis
Sir John Johnstoun of Westerhall
John Sharp of Hoddam
Wigtoun
Mr William Stuart of Caſtlestuart
Mr John Stuart of Sorbie
Air
Mr Francis Montgomery of Giffins
John Crauford of Kilbirny
Mr John Campbel of Shankstoun
Dumbartoun
Claud Hamiltoun of Barns
Bute
Mr William Stuart of Ambrismore
Renfrew
Robert Pollock of that Ilk
Alexander Porterfield of that Ilk
Perth
Sir Coline Campbell of Abberruchill
Adam Drummond of Megginsh
Kincardine
Alexander Arbuthnot of Knox.
Aberdeen
Sir James Elphinston of Logie
Inverneſs
Duncan Forbes of Culloden
Cromarty
Mr Kenneth Mackenzie of Cromarty
Argyll
Sir Coline Campbell of Ardkinglaſs
Sir John Campbell of Carrict
Mr John Campbell of Mammore
Fyfe
Sir John Dempster of Pitliver
Mr James Melvill of Hallhill
George Moncrief of Reiddie
Forfar
James Scot of Logie
Robert Reid of Baldovie
James Scot younger of Logie
Bamf
Sir James Abercromby of Birkinboig
Stewartry of Kirkcudbright
Patrick Dunbar of Machrimore
Elgine
James Broddie of that Ilk

COMMISSIONERS FOR THE BURGHS

Edinburgh	Alexander Thomson
Dundee	John Scrimzeour
Aberdeen	Robert Cruickshanks
Stirling	Mr Francis Napeir
Linlithgow	Walter Stuart
Saint Andrews	James Smith
Glasgow	John Anderson
Air	John Muir
Dysart	Alexander Swintoun
Kirkcaldie	John Boiswell
Montrose	James Mudie
Coupar	Sir Archbald Muir
Dumfreis	Robert Johnstoun
Kinghorn	Patrick Wallace
Irving	Mr Alexr Cunninghame
Jedburgh	Walter Scot
Kirkcudbright	Sir Andrew Home
Wigtoun	William Cultrane
Selkirk	Mr John Murray
Dunbritton	Sir James Smollet
Renfrew	Mr James Campbell
Lanerk	Thomas Hamilton
Peebles	John Muir
Tayne	William Roſs
Culroſs	Sir David Dalrymple

Bamf	Sir Alexander Ogilvie
Whitehorn	Patrick Murdoch
Nairn	John Roſe
Forres	Mr William Broddie
Northberwick	Sir Robert Stuart
Cullen	Sir John Hamilton
Lauder	David Maitland
Kintoir	Sir James Scougall
Annan	Mr William Johnstoun
Lochmebben	William Meinzies
Sanquhar	William Alves
New Galloway	Sir Hugh Dalrymple
Dingwall	Mr Robert Stuart
Dornock	John Anderson
Inverary	Hugh Broun
Inverury	Mr Robert Forbes
Kirkwall	Sir Alexander Home
Campbelltoun	Mr Charles Campbell

June 9, 1702.

PRAYERS said

Instruments taken by the Duke of Hamilton &c.

THE Duke of Hamilton immediatly thereafter Craved to be heard and tho desired by the Lord Chancellor to Sit till her Majeſties Commiſsion was read and the house constitute yet persisted and ſaid that for Eviteing of Contests he had a paper to read, Which paper he read as containing the reaſons of his withdrawing And thereupon and upon his withdrawing took Inſtruments but without giveing in his paper.

THEREAFTER the Clerk Register and severall of the members Declared that they Adhered to the Duke of Hamiltons paper and also took instruments and withdrew.

THE Queens Commission to James Duke of Queensberry to be Her Majesties high Commiſsioner to this Seſsion of Parliament, Read, Whereof the Tenor followes.

Commiſsion to the Duke of Queensberry for representing Her Matie in this Seſsion of Parliament

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, Defensor Omnibus probis hominibus suis ad quos præsentes Literæ Nostræ pervenerint Salutem Quandoquidem Nos magni momenti Rationibus inducti currentis nostri Parliamenti hujus antiqui Regni Nostri Scotiæ Comitia Edinburgi die mensis post datam præsentium proxime futuri conventura hactenus Statuimus Rebus autem Nostris neceſsario Nos Avocantibus dictæ Parliamenti nostri Seſsioni intereſse nequimus Ideoq, Commiſsionem Nostram cuidam eminentiſsimi ordinis summæq, fiduciæ ac præclaris animi dotibus imbuto Regiam nostram personam et authoritatem in eadem representandi concedere decrevimus Cumq, quamplurima indicia et diuturnam experientiam habeamus de fidelitate intaminata egregiis animi dotibus et singulari erga nos integritate fideliſsimi et dilectiſsimi Nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberry Secreti Sigilli nostri Custodis et unius ex Commiſsionariis Thesaurarii dicti nostri Regni Idq, præstando perplurima splendida officia et ſervitia in omnibus negotiis et provinciis fidei suæ demandatis Et speciatim dum munere et officio Supremi Commissionarii pro representando personam chariſsimi nostri fratris demortui Gulielmi Regis beatæ memoriæ functus erat unde ad illud fiduciæ munus rite obeundum ac pia et Regia nostra proposita propaganda tam in promovendo Commodo et Emolumento dicti nostri antiqui Regni et in Ecclesia et in Republica quam ministerio Nostro ipse usquequaq, idoneus et instructus reddatur Noveritis Igitur Nos dediſse et conceſsiſse perq, hasce Nostras patentes literas dare et concedere prædicto fideliſsimo et dilectiſsimo Nostro Consanguineo et Conciliario Jacobo Duci de Queensberry Sacram Nostram personam representandi in proxima Seſsione prædicti Currentis Parliamenti nostri dicti Regni et in re quavis alia ubicunq, de Ecclesia firmanda pace et politia dicti Regni noſtri conservanda et excolenda et re nostra promovenda Tractandum fuerit Authoritatem nostram Regalem gerendi in universis ejusdem Administrationibus tanquam supremo nostro Commiſsionario pleniſsimam et ampliſsimam nostram potestatem et Commiſsionem Porro tenore præsentium eundem Jacobum Ducem de Queensberry cum Commiſsionarii Nostri titulo nostra authoritate regali Insignimus plenamq, ipsi tribuimus potestatem omnia et singula ad munus et imperium Commiſsionarii spectantia tam plene et libere quoad omnes effectus quam quilibet alius ejusdem summi Muneris et Characteris regnantibus quibuscunq, Nostrorum prædeceſsorum unquam fecerat seu facere potuerat faciendi agendi peragendi Quæquidem omnia et ſingula in dicta hac Commiſsione prosequenda ab ipso facienda Nos firma et rata habemus et habituri ſumus Omnibus et Singulis insuper Status nostri officialibus iisq, qui nobis ab intimis Conciliis Judicibus Legatis et Officiariis Nostrarum in hoc Regno Copiarum cæterisq, quibuscunq, Subditis dicti Regni stricte Mandamus et Imperamus ut præfatum Jacobum Ducem de Queensberrie tanquam ſupremum nostrum Commiſsionarium Sacram Nostram personam representantem et regalem Nostram authoritatem gerentem Agnoscant Ipsiq, reverentiam et obsequium præbeant ad effectum et secundum normam in hac nostra Commiſsione præscriptam Quæquidem Commiſsio Incepit Septimo die mensis Aprilis instantis et durante dicta proxima Seſsione Parliamenti in vigore durabit et usq, donec Nobis aptum visum fuerit eandem revocare Et Declaramus hanc nostram Commiſsionem absq, prejudicio fore præfato Jacobo Duci de Queensberry cujusvis alii Diplomatis seu Com-

miſsionis de quocunq, alio Munere a nobis ipsi concredito sed eadem durante hac nostra Commiſsione ac etiam post ipsius expirationem durante noſtro beneplacito in pleno vigore continuare modo in singulis Diplomatibus et Commiſsionibus ipsi conceſsis contento In cujus rei Testimonium Præsentibus magnum Sigillum Nostrum Appendi Curavimus Apud Aulam nostram de Saint James's Septimo die mensis Aprilis Anno Domini Millesimo Septingentesimo Secundo et Anno Regni nostri primo Per Signaturam manu S. D. N. Reginæ suprascripti. Written to the great Seal and registrat the twentieth day of May 1702 Sic subscribitur Charles Ker. Sealed at Edinburgh, the Twentieth day of May I^(m) vij^c^ and two years by ſpecial Warrand till the Seal be renewed Sic subscribitur Andr. Hume gratis.

ROLLS called.

[Protestations for Precedency] THE Earl of Mar Protested for the precedencie of all the Earls ranked before him in the Rolls of Parliament.

THE Earl of Mortoun protested for the precedencie of all the Earls ranked before him in the Rolls of Parliament.

THE Earl of Findlater protested againſt the calling of the Earl of Airlie before him in the Rolls of Parliament.

THE Earl of Leven protested againſt the calling of the Earl of Callender before him in the rolls of Parliament.

[Oath of Parliament &c. taken] BY order of the Lord High Commiſsioner, one of the Clerks of Parliament and Seſsion and Clerk to her Majesties proceſses in respect of the Clerk Registers withdrawing tendered the Oath of Alleadgeance to the Lord Chancellor who did swear and ſigne the ſame with the Aſsureance and took the Oath of Parliament; And then all the Clerks of Parliament and Seſsion did swear the Oath of Alleadgeance and ſigned the ſame with the Aſsureance and gave their Oaths de fideli administratione.

THE Earl of Melvill Lord President of the Privy Council, and the Earl of Crauford and the other Nobility called up by order of the Roll at different times took the Oath of Alleadgeance and ſigned the ſame with the Aſsureance and took the Oath of Parliament; And in the ſame manner the Barons and Commiſsioners for Burghs.

A LETTER from her Majestie to My Lord Commiſsioner appointing My Lord Montgomery to Sit and Vote in this present Seſsion of Parliament as Lord High Theasurer, read, Whereupon the Lord Montgomery took the Oath of Alleadgeance and signed the ſame with the Aſsureance and took the Oath of Parliament, and the said Letter was ordered to be Recorded Whereof the tenor follows.

Sic suprascribitur ANNE R.

Letter Appointing the Lord Montgomery to sit and vote as Lord high Thesaurer

RIGHT trusty and right entirely beloved Cousin and Councellour We greet you well Whereas the office of Lord High Treasurer of that our ancient Kingdom is now in Commiſsion, And it being provided by the Laws of our said Kingdom that the number of our Officers of State who are to vote and have place in Parliament ſhould not exceed the Number of Eight even though at any time there ſhould be more persons imployed in the execution of the saids offices. And it being reasonable that there ſhould be one named to appear and act in the ensueing Seſsion of Parliament as Our Treasurer aforesaid Therefore We do Nominat and Appoint Our right trusty and well beloved Cousin and Councellour Alexander Lord Montgomerie to have the place and vote of the Lord High Treasurer in the ensuing Seſsion of Parliament So We bid you heartily farewell Given at our Court at St James's the 12th day of May 1702, and of our Reigne the 1st year.

By Her Majestys Command
Sic subscribitur SEAFIELD.

Directed thus,
To Our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberrie Our Commiſsioner to our Parliament of our ancient Kingdom of Scotland.

A COMMISSION to William Marqueſs of Annandale under the great Seal to be Lord Privy Seal read, Upon which he took the Oath of Alleadgeance and ſigned the ſame with the Aſsureance and took the Oath of Parliament And the said Commiſsion was ordered to be recorded Whereof the tenor follows.

Commiſsion to the Lord Privy Seal

ANNA Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, Defensor Omnibus probis hominibus suis ad quos præsentes Literæ Nostræ pervenerint Salutem Quandoquidem Nos Considerantes munus et officium Secreti Nostri Sigilli antiqui Regni nostri Scotiæ Custodis in manibus Nostris nunc vacare et ad nostram donationem eſse Nominando fideliſsimum et prædilectiſsimum nostrum Consanguineum et Conciliarium Jacobum Ducem de Queensberry ultimum ejusd poſsesſorem ad officium unius ex dicti Regni Status nostri Secretariis Nosq, satis Compertum habentes fidelitatem eximiam et ſufficientes facultates fide-

liſsimi et dilectiſsimi Nostri Consanguinei et Conciliarii Gulielmi Marchionis de Annandale quibus ad munus et officium Secreti Nostri Sigilli dicti Regni Nostri Custodis fideliter Obeundum et Exercendum usquequaq; est adaptatus Igitur Nominaſse Feciſse Constituiſse et Ordinaſse Tenoreq; præsentium Nominare Facere Constituere et Ordinare dictum Gulielmum Marchionem de Annandale (durante Nostro beneplacito duntaxat) Dominum Custodem Secreti nostri Sigilli dicti Regni Damus pariter Concedimus et Disponimus illi munus et officium Secreti Nostri Sigilli Custodis prædict' Cum loco et ordine præcedentiæ immediate post Præsidem Secreti nostri Concilii dicti Regni una cum universis honoribus feodis dignitatibus privilegiis proficuis et casualitatibus quibuscunq; eo spectantibus per ipsum fruendis et gaudendis tam plene et libere in quovis respectu quam eadem nuperrime poſseſsa et gavisa fuere vel poſsideri poterant per prædictum Ducem de Queensberry vel quosvis ex ejus in dicto loco et officio Anteceſsoribus quolibet tempore retroacto Cum potestate etiam dicto Gulielmo Marchioni de Annandale deputatos pro Custodiendo dicto secreto ſigillo Nominandi Constituendi et Ordinandi Et Clericos et dicto ſigillo Scribas pro quibus respondebit Creandi Et generaliter omnia et singula Agendi Utendi et Exercendi ad dict' privilegium et libertatem dicti officii perprius spectantia quæve in posterum quovis modo spectare dignoscentur Quæquidem omnia per dictum Gulielmum Marchionem de Annandale in dicto munere et officio obeundo legittime facienda firma et rata habemus et habituri ſumus In cujus rei Testimonium præsentibus magnum Nostrum ſigillum Appendi præcepimus Apud Aulam Nostram de Saint James's Sexto die mensis Maii Anno Domini Millesimo Septingentesimo Secundo Regniq; Nostri Anno primo, Per Signaturam Manu S. D. N. Reginæ suprascript'.

A COMMISSION to James Earl of Seafield under the Great Seal to be one of the Principal Secretaries of State And a Letter from her Majestie to My Lord Commiſsioner Appointing the said Earl to sit and vote in this Seſsion of Parliament as such read and ordered to be recorded, The tenors whereof follow.

Commiſsion to the Earl of Seafield Lord Secretary

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; Defensor Omnibus probis hominibus ad quos præsentes Literæ nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo recolentes nihil magis Servitio nostro et Dominiorum nostrorum emolumento conducere quam ut viri notæ integritatis fidelitatis et præclaris Animi Dotibus Imbuti primarii Ministri Coronæ nostræ ſpeciatim vero Status nostri Secretarii constituantur Quibus fidem adhibere et in omnibus Negotiis nostris aliisq; Civium nostrorum, commoda promoventibus unice confidere poterimus Nosq; etiam abunde satisfacti de præclaris Animi dotibus probitate aliisq; perpulchris facultatibus fideliſsimi et prædilectiſsimi nostri Consanguinei et Conciliarii Jacobi Comitis de Seafield quibus ad Munus et Officium unius ex principalibus Status nostri Secretariis Obeundum usquequaq; est instructus Quorum quamplurima indicia præbuit per ejus fidelem Administrationem in dicto Munere Obeundo et permultis aliis muniis per quondam beatæ memoriæ Regem ejus fidei concreditis Igitur ac diversis aliis gravibus et magni momenti rationibus moti Fecimus Ordinavimus Constituimus et Nominavimus Tenoreq; præsentium Facimus Nominamus Constituimus et Ordinamus eundem Jacobum Comitem de Seafield unum ex duobus Status Secretariis Nobis pro antiquo Regno nostro Scotiæ durante Nostro beneplacito tantummodo et quoad præsentes Scripto non revocentur et exonerentur coprincipalem et conjunctim cum fideliſsimo et prædilectiſsimo nostro Consanguineo et Conciliario Jacobo Duce de Queensberry altero nostro pro dicto nostro Regno Status Secretario Dando et Concedendo tenoreq; præsentium Damus et Concedimus ipſi Jacobo Comiti de Seafield (durante ſpatio antedicto) Locum Officium et Munus unius ex duobus principalibus conjunctis Status Nostri Secretariis prædictis cum justo et equali dimidio omnium honorariorum emolumentorum beneficiorum casualitatum libertatum dignitatum et immunitatum quæ ad dictum munus et officium pertinebant ſeu pertinere poterant Una cum annua pensione Mille Librarum Sterlineñ secundum Donationem ejuſdem per nos ipſi conceſsam datam cum præsentibus Cum plena potestate illi utendi exercendi et fruendi dicto loco munere et officio Et ſpecialiter scribendi subscribendi et Nobis offerendi omnes donationes cautiones et signaturas quascunq; Regali Nostro Manu muniendas et intromittendi et recipiendi justum et æquale dimidium omnium honorariorum præmiorum et casualitatum eo ſpectañ Atq; etiam æqualem habendi potestatem et privilegium cum dicto Jacobo Duce de Queensberry altero nostro Status Secretario pro dicto Regno recipiendi interponendi et conservandi omnia ſigneta dicti Regni et æquale beneficiorum et emolumentorum inde pervenientium dimidium in privatos ſuos usus Applicandi Atq; etiam Deputatos et Custodes dictorum nostrorum Signetorum constituendi et admittendi et omnes Clericos et Signeto nostro Scribas recipiendi Cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine ipsis tribuendi Commiſsiones quibus muniti dictis muneribus ad vitam frui et fungi poſsunt idq; quoties contigerit dicta munia quocunq; casu eſse vacua et Compositionum et Commodorum dimidium ex admiſsione dictorum Clericorum provenientium recipiendi Ac idem

ad privatos suos usus Applicandi, In cujus rei Testimonium Præsentibus magnum nostrum Sigillum Appendi Curavimus Apud Aulam Nostram de Saint James's Duodecimo die Mensis Maii Anno Domini Millesimo septingentesimo secundo et anno Regni nostri primo. Per Signaturam manu S. D. N. Reginæ suprascript. Written to the great Seal and registrat the Eight of June 1702, Sic subscribitur Charles Kerr. Sealed at Edinburgh the Ninth day of June I^(m) vij^c and two years by special Warrand till the Seal be renewed Sic subscribitur And^r Hume.

FOLLOWS the Tenor of the Letter Appointing the Earl of Seafield to sit and vote in this Session of Parliament as Lord Secretary.

Sic suprascribitur ANNE R.

Letter appointing the Earl of Seafield to sit and vote as Lord Secretary

RIGHT trusty and Right entirely beloved Cousin and Councellour We greet you well Whereas We have ordered our right trusty and well beloved Cousin and Councellour James Earle of Seafield Secretary of State for that Our Kingdom to repair thither and to be present at the ensuing Session of Parliament. And whereas it belongs only to one of our two Secretaries indefinitly to have place and vote in Parliament as an Officer of State Therefor We do Nominat and Appoint the said James Earle of Seafield Our Secretary to have place and vote and in every thing to act in the insuing Sefsion of Parliament as the Secretary Officer of State to whom We will have the said privileges to belong during this Sefsion allennarly, And so We bid you heartily farewell Given At our Court at St James's the 12th day of May 1702, And of our Reign the 1st year.

By her Majestys Command
Sic subscribitur QUEENSBERRY.

Directed thus
To our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberrie Our Commissioner to our Parliament of our ancient Kingdom of Scotland.

[Patents to be Recorded]

THE Patents under the Great Seal Creating Archbald Earl of Argyll, Duke of Argyll and Robert Earl of Lothian Marquefs of Lothian, and William Earl of Annandale Marquefs of Annandale, and James Visc: of Seafield Earl of Seafield, and John Lord Carmichael Earl of Hyndeford, were read and ordered to be recorded The tenors whereof do follow.

The Duke of Argyll's Patent

GULIELMUS Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq, Defensor Omnibus probis homnibus ad quos præsentes Literæ nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo revolventes nostrum fidelissimum et dilectissimum Consanguineum et Conciliarium Archibaldum Comitem de Argyll ex familia cum primis illustri ac maxime nobili Ortum esse et a clarissimis illustrissimisq, progenitoribus prosapiam suam Duxisse qui maximæ fiduciæ Munia illis concredita immaculata virtute et singulari fide obierunt Quiq, ob res ab illis clarissime gestas Regium diadema tuendo ac sustentando summis honoris ac dignitatis titulis per nostros Regios decessores Exornati fuerunt Et pariter Nos alta mente Reponentes Archibaldum nunc Comitem de Argyll non solum nobilissimorum suorum Majorum vestigia æquis sequutum passibus perpetuo ardentis zeli tenore erga nos ac indefatigabili studio nostro servitio mordicus adhærendi quorum omnium certissima signa et indubitata testimonia exhibuit verum etiam interesse Coronæ nostræ promovendo prout semel occasio obtulisset egregie incubuit Ac in maximorum officiorum Exercitio quæ nobis ejus curæ committere visum est summo cum honore et inclita fidelitate semetipsum exercuit Nos quoq, hujus maxime conscii et memores Et ut ulteriorem amplioris dignitatis additionem in dict^o Archibaldum Comitem de Argyll ejusq, familiam conferendo illis animus addatur ad insistendum et perseverandum in solita sua fide constantia et studio erga Regiam nostram personam et Regimen Noveritis igitur Nos Fecisse Constituisse Creasse et Inaugurasse nec non tenore præsentium Facimus Constituimus Creamus et Inauguramus memoratum Archibaldum Comitem de Argyll Ducem de Argyll Marchionem de Kintyre et Lorn Comitem de Campbell et Cowall Vicecomitem de Lochow et Glenyla ac Dominum de Inuerary Mull Morvern et Tyrie Dando et Concedendo sicuti tenore præsentium Damus Conferimus et Concedimus prædict^o Archibaldo Comiti de Argyll et heredibus suis masculis quibuscunq, titulum honorem dignitatem et gradum Ducis Nec non Declaramus et Ordinamus præfatum Comitem de Argyll ejusq, prædict^o Duces de Argyll Marchiones de Kintyre et Lorn Comites de Campbell et Cowall Vicecomites de Lochow et Glenyla et Dominos de Inuerary Mull Morvern et Tyrie omni tempore futuro nominandos et designandos omnesq, Immunitates præcedentiam prioritatem et suffragia in omnibus Parliamentis Conciliis generalibus Ordinum Conventibus aliisq, congressibus quibuscunq, tam publicis quam privatis Cum omnibus aliis immunitatibus libertatibus et privilegiis quibuscunq, ad ullum alium in Regno Nostro Scotiæ Ducem spectantibus aut spectare valentibus possidere et frui Teneñ et Habeñ dict^o titulum et dignitatem præfato Archibaldo Comiti de Argyll ejusq, prædict^o de Nobis Nostrisq, Illustrissimis successoribus cum universis præheminentiis et privilegiis eidem spectañ tam plenarie adeoq, libere in omnibus respectibus et conditionibus quam ullus alius dicti Regni nostri Dux possidet

et gaudet Et ulterius Volumus et Concedimus et pro nobis Nostrisq, illuſtriſsimis ſucceſsoribus Decernimus et Ordinamus hoc nostrum præsens diploma adeo validum efficax et ſufficiens fore memorato Comiti de Argyll ejusq, antedict' pro eorum fruitione et poſseſsione dicti tituli honoris et dignitatis Ducis aliorumq, prædict' ac si adhibitis Solennitatibus et Ceremoniis antiquitus Usitatis et ſimilibus Occasionibus Consuetis investitus et inauguratus fuiſset Quocirca diſpenſavimus tenoreq, preſentium in perpetuum diſpenſamus Leoni porro Armorum Regi ac fratribus fæcialibus ſuis talia additamenta ſuo paludamento ut illi ac ipſis pro hac occaſione conveniens videbitur Concedere et Præſcribere Imperamus In cujus Rei Testimonium præſentibus magnum ſigillum Nostrum Appendi Mandavimus Apud Aulam Nostram de Kensingtoun Vicesimo tertio die menſis Junii Anno Domini Milleſimo septingenteſimo primo et Anno Regni noſtri Decimo tertio per Signaturam manu S. D. N. Regis supraſcripť.

The Marqueſs of Lothian's Patent

GULIELMUS Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq, Defenſor Omnibus probis hominibus ſuis ad quos præſentes literæ noſtræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes quam multa et præclara officia præſtiterit fideliſsimus et dilectiſsimus Noſter Conſanguineus et Conciliarius Robertus Comes de Lothian ejusq, deceſsores Nobis Nostriſq, Prædeceſsoribus per multa retro ſecula nec non ejusdem erga Regiam Noſtram perſonam et regimen animum et affectum omni arrepta occaſione expreſsum præcipue ſub tempus feliciſsimæ Noſtræ ad imperium Acceſsionis quum ipse et ipſius quinq, filii maturam Nobis et rebus Noſtris Navarunt operam Conſiderantes etiam ſupradictum Comitem e maxime præclaris et antiquis Regni familiis originem Ducere et tam gentis illuſtriſsimæ de Fairnichirſt et Ancram quam de Lothian eſse heredem Et plurimos ex ipſius majoribus primos et præcipuos in regno locos obtinuiſse Et cum amicis ſuis et vaſsallis in ſupremo Cuſtodis Limitum Munere obeundo furta et rapinas Coercendo motus et tumultus ſupprimendo præclare admodum se geſsiſse Ipſumq, Comitem propria virtute et probis moribus familiæ ſuæ decus et gloriam conſervaſse auxiſse variiſq, Muneribus a Nobis ſibi delegatis pro Animi Noſtri Sententia functum eſse His itaq, multisq, aliis rationibus adducti Statuimus ad familiæ ſuæ dignitatis incrementum perpetuum Regiæ Noſtræ liberalitatis indicium Conferre in se et heredes ſuos ut ipſis ad Munera a Nobis aut Regiis Noſtris ſucceſsoribus iis mandata fideliter Obeunda vires addantur et animi Noveritis Igitur Nos Feciſse Conſtituiſse et Creaſse nec non tenore præſentium Facimus Conſtituimus et Creamus memoratum Robertum Comitem de Lothian Marchionem de Lothian Comitem de Ancram Vicecomitem de Brien et Dominum Kerr de Newbottle Oxnam Jedburgh Dolphingſtone et Niſbets, Dando et Concedendo præfato Roberto Comiti de Lothian heredibusq, masculis de ejus corpore Quibus deficientibus aliis heredibus talliæ illi in ſtatu omni tempore futuro ſucceſsuris titulum honorem gradum et dignitatem Marchionis cum omnibus et ſingulis prærogativis præeminentiis privilegiis et immunitatibus quibuſcunq, eidem ſpectantibus Cum quo titulo honore gradu et dignitate Nos tenore præſentium memoratum Robertum Comitem de Lothian ejus ꝑ antedictos Inveſtimus et Inauguramus nominandos et deſignandos in omni tempore futuro Marchiones de Lothian Comites de Aneram Vicecomites de Brien et Dominos Kerr de Newbottle Oxnam Jedburgh Dolphingſtone et Niſbets Tenend et Habend prædictum titulum gradum honorem et dignitatem Marchionis cum omnibus privilegiis libertatibus et immunitatibus eidem ſpectantibus memorato Roberto Comiti de Lothian ejuſq, prædictis de Nobis Noſtriſq, Regiis Succeſsoribus in omnibus Parliamentis Generalibus Conciliis Ordinum Conventibus aliisq, congreſsibus quibuſcunq, tam publicis quam privatis infra dictum Regnum. Leoni porro Armorum Regi ac fratribus ſuis fæcialibus talia Additamenta dicti Comitis paludamento ut illi ac ipſis hac occaſione conveniens videbitur Concedere et præſcribere Imperamus Et Volumus et Concedimus et pro nobis Noſtriſq, ſucceſsoribus Decernimus et Ordinamus hoc præſens Diploma adeo validum efficax et ſufficiens fore præfato Comiti ejusq, antedictis pro poſseſsione et fruitione prædicti tituli et dignitatis Marchionis cum omnibus præcedentiis prærogativis præeminentiis libertatibus privilegiis eidem ſpectantibus ac si adhibitis Solennitatibus et Ceremoniis antiquitus uſitatis Inveſtitus et Inauguratus fuiſset Quocirca diſpensavimus Tenoreq, præſentium pro nobis et ſucceſsoribus Noſtris in perpetuum diſpenſamus In cujus rei Teſtimonium præſentibus magnum ſigillum Noſtrum Appendi præcepimus Apud Aulam Nostram de Kenſingtoun Vigeſimo tertio die menſis Junii Anno Domini Milleſimo ſeptingenteſimo primo et anno Regni Noſtri Tridecimo, per Signaturam manu S. D. N. Regis ſupraſignatam Written to the Great Seal and Regiſtrat the thirtieth day of June 1701, Sic ſubſcribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of June 1701, Sic ſubscribitur A. Home.

The Marquiſs of Annandales Patent

GULIELMUS Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq Defensor Omnibus probis hominibus ſuis ad quos præsentes literæ Noſtræ pervenerint ſalutem Quandoquidem Nos regio noſtro animo Revolventes inſignia et grata ſervitia per præconfiſum et prædilectum Nostrum Consanguineum et Conciliarium Gulielmum Comitem de Annandale præstita in diverſis praeclaris Muniis quæ illi per nos concredita fuere Quibus

cumq, diverſis aliis magni Momenti rationibus præviis Nos durabile Noſtri Regii favoris Indicium in illum ejusq, familiam conferre benigne Statuentes Noveritis igitur Nos Feciſse Conſtituiſse et Creaſse nec non tenore præſentium Facimus Conſtituimus et Creamus memoratum Gulielmum Comitem de Annandale Marchionem de Annandale Comitem de Hartfield Vicecomitem de Annand Dominum Johnſtoun de Lochwood Lochmaben Moffetdale et Evandale Dando et Concedendo præfato Gulielmo Comiti de Annandale et heredibus ſuis maſculis quibuscunq, illi in ſuis prædiis et ſtatu omni tempore futuro ſucceſsuris titulum honorem gradum ordinem et dignitatem Marchionis cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiis libertatibus et immunitatibus quibuscunq, eidem ſpectantibus Cum quo titulo honore ordine et dignitate Nos tenore præſentium memoratum Gulielmum Comitem de Annandale ejusq, antedictos Inveſtimus et Inauguramus Nominandos et Designandos in omni tempore futuro Marchiones de Annandale Comites de Hartfield Vicecomites de Annand Dominos Johnstoun de Lochwood Lochmaben Moffetdale et Evandale Tenend et Habend prædictum titulum honorem gradum et dignitatem cum ſingulis prærogativis privilegiis et immunitatibus eidem ſpectantibus memorato Gulielmo Comiti de Annandale ejusq, antedictis de nobis Noſtrisq, illuſtriſsimis Succeſsoribus in omnibus Parliamentis Conciliis generalibus Ordinum Conventibus aliisq, Congreſsibus quibuscunq, tam publicis quam privatis infra Regnum noſtrum Scotiæ Leoni porro Armorum Regi ac fratribus ſuis fœcialibus talia Additamenta ſuo paludamento ut illi ac ipſis pro hac occaſione conveniens videbitur Concedere et Præſcribere Imperamus et Volumus et Concedimus et pro nobis Noſtrisq, illuſtriſsimis Succeſsoribus Decernimus et Ordinamus hoc præſens Diploma ſub magno noſtro ſigillo expeditum adeo validum et ſufficiens fore præfato Comiti ejusq, antedictis pro fruitione prædicti tituli honoris et dignitatis Marchionis cum omnibus privilegiis et immunitatibus eidem spectantibus ac si adhibitis ſolennitatibus et ceremoniis antiquitus uſitatis et similibus occasionibus consuetis Investitus et Inauguratus fuiſset Quocirca Diſpensavimus Tenoreq, præsentium pro nobis et Succeſsoribus in perpetuum Diſpensamus In cujus Rei Teſtimonium præsentibus magnum Sigillum Noſtrum Appendi præcepimus Apud Aulam Nostram de Kensingtoun Vigesimo quarto die menſis Junii Anno Domini Milleſimo septingentesimo primo et anno Regni Nostri Decimo tertio, per Signaturam manu S. D. N. Regis suprasignatam.

The Earl of Seafields Patent

GULIELMUS Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq, Defensor Omnibus probis hominibus ad quos præsentes Literæ Nostræ pervenerint Salutem Quandoquidem Nos Regio Nostro Animo perpendentes perplurima insignia officia Nobis præstita et impensa per fideliſsimum et dilectiſsimum Nostrum Consanguineum et Conciliarium Jacobum Vicecomitem de Seafield principalem nostrum pro antiquo regno nostro Scotiæ Status Secretarium in singulis muniis et ministeriis a nobis ipsi concreditis Nominatim vero in summo illo Munere Status Secretarii antedicto atq, in memoriam Revocantes fidelitatem et præclara ſervitia nobilis et antiquæ familiæ Comitum de Findlater cujus est hæres immediate succeſsurus Ob prædictas itaq, et perplurimas alias magni momenti rationes Noveritis Nos Feciſse Constituiſse et Creaſse sicut et per præsentes Nostras patentes Literas Facimus Constituimus et Creamus eundem Jacobum Vicecomitem de Seafield Comitem de Seafield Vicecomitem de Reidhaven Dominum Ogilvie de Deskfoord et Cullen in dicto nostro Regno, Dando Concedendo et Conferendo in dictum Jacobum Vicecomitem de Seafield et heredes masculos de ejus corpore Quibus deficientibus alios ſuos heredes Talliæ sibi in terris suis Baroniis et Statu succedentes titulum honorem dignitatem et gradum Comitis cum universis et singulis prærogativis præeminentiis privilegiis et immunitatibus quibuscunq, eo spectantibus quibuscum dictum Jacobum Vicecomitem de Seafield ejusq, prædictos omni tempore futuro Nobilitamus et Investimus Teneñ et Habeñ antedictum Titulum Honorem dignitatem et gradum Comitis Vicecomitis et Domini cum universis et singulis prærogativis præeminentiis privilegiis et immunitatibus antedictis per dictum Jacobum Vicecomitem de Seafield ejusq, antedictos de nobis Nostrisq, sereniſsimis Succeſsoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus Omnibusq, aliis publicis et privatis ejusdem Regni Congreſsibus tam plenarie adeoq, libere in omnibus respectibus et conditionibus quam quivis alius Comes Vicecomes et Dominus tali titulo honore et dignitate quovis tempore præterito præsenti aut futuro gavisus est seu frui aut gaudere poterit Leoni porro Armorum Regi ejusq, fratribus fœcialibus Mandamus ut præfato Jacobo Vicecomiti nunc Comiti de Seafield talia insigniis suis gentilitiis Additamenta qualia ipſi illisq, congrua et similibus casibus usitata videbuntur Dent et Præscribant Ordinamus deniq, et Declaramus hasce Nostras patentes literas sub magno Nostro Sigillo adeo validas et ſufficientes fore illi ejusq, prædictis pro fruendo dicto titulo honore dignitate et gradu Cum omnibus privilegiis aliisq, eo spectantibus ac si ipse ejusq, prædicī cum omnibus ritibus et ceremoniis similibus occasionibus perprius usitatis investiti et inaugurati fuiſsent Quocirca Nos pro nobis Nostrisq, Succeſsoribus Dispensavimus Tenoreq, præsentium in perpetuum Dispensamus In cujus rei Testimonium Præsentibus Magnum Sigillum Nostrum Appendi Mandavimus Apud Au-

lam Nostram de Kensingtoun Vigesimo quarto die mensis Junii Anno Domini Millesimo septingentesimo primo et anno Regni Nostri Decimo tertio. Per Signaturam manu S. D. N. Regis suprascript. Written to the great Seal & Regrat the twenty fourth day of July 1701, Sic subtr Charles Kerr. Sealed at Edinburgh the twenty fourth day of July, 1701, Sic subscribitur A Home.

The Earl of Hyndefoords Patent

GULIELMUS Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq; Defensor Omnibus probis hominibus suis ad quos præsentes literæ Nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes fidelitatem continuam et affectum fidelissimi et dilectissimi Nostri Consanguinei et Conciliarii Joannis Domini Carmichael Nostri principalis Status Secretarii pro antiquo nostro Regno Scotiæ erga nostram personam et Regnum Et quod diversis insigniis muneribus et stationibus a nobis ipsi concreditis summo cum honore et fidelitate functus sit Et Nos ex certa nostra scientia quendam Regiæ nostræ gratiæ Characterem in eundem Joannem Dominum Carmichaell conferre benigne Statuentes ut sibi et suæ familiæ durabilis fiat honoris additio Noveritis Igitur Nos Fecisse Constituisse et Creasse sicuti per has Nostras patentes literas Facimus Constituimus et Creamus eundem Joannem Dominum Carmichaell Comitem de Hyndfoord Vicecomitem de Inglisberry et Nemphlar Dominum Carmichaell de Carmichaell infra dictum Regnum Dando Concedendo et Conferendo prænominato Joanni Domino Carmichaell et heredibus suis masculis et talliæ illi in terris et statu suo succedentibus secundum ipsius jura et infeofamenta earundem titulum honorem dignitatem et gradum Comitis Vicecomitis et liberi Parliamenti Domini cum omnibus et singulis prærogativis præeminentiis privilegiis præcedentiis et immunitatibus quibuscunq; eo spectantibus quibuscum Nos præfatum Joannem Dominum Carmichaell ejusq; prædictos omni tempore futuro per præsentes Nobilitamus et Investimus Tenendum et Habendum prædictum titulum honorem dignitatem et gradum Comitis Vicecomitis et liberi Parliamenti Domini cum universis et singulis prærogativis præcedentiis præeminentiis privilegiis et immunitatibus suprascriptis per eundem Joannem Dominum Carmichaell ejusq; antedictos de Nobis nostrisq; Regiis Successoribus in omnibus Parliamentis Generalibus Conciliis Ordinum Conventibus aliisq; Congressibus quibuscunq; publicis seu privatis in dicto Regno nostro tam plenarie et libere in quovis respectu et conditione ac quivis alius Comes Vicecomes et liber Parliamenti Dominus simili titulo honore et dignitate perprius fructus fuit seu quovis tempore præterito præsenti vel futuro uti et frui poterit Leoni porro Armorum Regi ejusq; fratribus fœcialibus Imperamus ut præfato Joanni Domino Carmichael nunc Comiti de Hyndfoord talia prioribus insigniis ejus gentiliciis Additamenta qualia ipsi illisq; hac occasione convenientia videbuntur dent et præscribant Ordinando et Declarando hasce Nostras patentes literas magno nostro sigillo munitas adeo validas efficaces et sufficientes fore illi ejusq; antedictis pro possidendo prædicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq; eo spectantibus ac si cum omnibus ritibus et solennitatibus similibus occasionibus perprius usitatis Ille ejusq; prædicti investiti et inaugurati essent Quocirca Dispensavimus perq; præsentes in perpetuum Dispensamus In Cujus rei Testimonium præsentibus magnum sigillum Nostrum Appendi præcepimus Apud Aulam nostram de Kensingtoun Vigesimo quinto die mensis Junii Anno Domini Millesimo septingentesimo primo Et Anno Regni Nostri Tridecimo Per signaturam manu S. D. N. Regis suprascript. Written to the great Seal and registrat the twenty fifth day of September 1701 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fifth of September 1701, Sic subscribitur A Home.

[Oaths taken]

THE Duke of Argyll the Marques of Lothian and the Earls of Seafield and Hyndfoord took the oath of alleadgeance and signed the same with the assureance and took the Oath of Parliament.

JOHN Sharp of Hoddam Commissioner for the Shire of Dumfreis and Mr John Stuart of Sorbie for the shire of Wigtoun, new elected in place of the two former Members deceased took the oath of alleadgeance and signed the same with the Assureance and took the oath of Parliament.

JOHN Scrimzeor Commissioner for the Burgh of Dundee and Sir Alexander Ogilvie for the Burgh of Bamf in place of the two former Members deceased took the oath of alleadgeance and signed the same with the assureance and took the oath of Parliament.

[Shire of Sutherland]

TWO Commissions the one to George Monro of Culrain and the other to David Sutherland of Kinnauld being presented from the shire of Sutherland the same were remitted to the Committie to be appointed for Contraverted Elections.

THE Queens most gracious Letter to the Parliament presented by her Majesties high Commissioner, was read, Whereof the tenor follows.

Sic suprascribitur ANNE R.

My Lords and Gentlemen

The Queen's Letter to the Parliament

AFTER the great loss these Nations and all Europe have sustained by the death of the late King our Royall and most dearly beloved brother of ever blessed memory, We were much encouraged

upon our entering into the Administration of the Government of that our ancient Kingdom by the hope of finding in you the continuance of that fidelity and zeal of which you gave ſo ſignal proofs in the Reigne of our glorious Predeceſſor.

IT ſhould have been our great ſatisfaction at this our firſt Acceſsion to the Crown to have met with you in perſon; That from our own mouth We might have given our people full aſsurance of our sincere Intentions towards their true wellfare and happineſs But the multiplicity of weighty and important affairs in which We are engaged at present depriving Us of that opportunity We would not on that account delay your meeting any longer.

AND that nothing may be wanting on our part for the ſatisfaction of our Subjects, whoſe affection We shall alwayes look upon as our greatest ſecurity and value above all other advantages: We give you full Aſsurance that we are firmly resolved to maintain and protect them in the full poſſeſsion of their Religion Lawes and Liberties, and of the Presbiterian Government of the Church as at present Established.

IT pleased God to make the late King the great Instrument of Delivering our People from Popery and Arbitrary power, and of restoring to them their ancient Rights and Privileges: And through the ſame divine grace We ſhall in the whole courſe of our Reign aim at nothing more than the preserveing to them these advantages and contribute as much as in Us lyes for their further ſecurity in the enjoyment of them.

THE exorbitant power of the French King threatning the liberties of all Europe, and his owning the pretended Prince of Wales as King of these our dominions, Influencing also Spain to concur with him in that Indignity tending visibly to the ſubversion of the Protestant Religion and the Ruine of our Subjects in all that is dear to them, have obliged Us in pursuance of an expreſs Article of the Treaty entered into by the late King and our Allies to declare war in this as well as our other dominions against France and Spain, wherein We confidently expect your hearty concurrence and aſsistance both for the honour and ſafety of the Kingdom; Not doubting but you are affected with the ſame ſense of these wrongs and indignities and the other just causes of war as did appear in the many loyal Addreſses presented by our Subjects upon that occasion.

WHEREFORE being most aſsured of your care and concern in this matter We earnestly recommend to you the providing competent Supplies for maintaining ſuch a number of Forces as may be neceſsary for preventing and disappointing the deſigns of our Enemies and preserveing the happy Settlement you now enjoy.

THE late King our Royall brother did before his death very earnestly recommend to his Parliament of England the consideration of the Union of the two Kingdoms of Scotland and England which being ſo neceſsary for the ſecurity and happineſs of both, We did at our Acceſsion to the Crown again ſeriously recommend the ſame to them. And they haveing proceeded to impower Us, by an Act of Parliament to name Commiſsioners to treat of an Union We doubt not but you will do what is neceſsary on your part. And We ſhall contribute our outmost endeavours towards the Accompliſhment thereof and ſhall esteem it our happineſs to Establiſh the Nations on so sure a foundation.

WE have appointed Our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberry to be our Commiſsioner to represent our Royall Person in this Seſsion of our Parliament being fully ſatisfied of his great abilities and fidelity for diſcharging that trust and no leſs perswaded that the proofs he hath given thereof upon the like occasion will render him to you acceptable. We have fully instructed him with our mind and have impowered him to give our Aſsent to ſuch Lawes as ſhall be proposed for the ſecurity of our Subjects in all their Concerns civil and religious And therefor We desire you may give him intire truſt and credit. It will be very satisfying to us that effectual methods be taken for promoting of Religion vertue and true piety and ſuppreſsing vice and immorality; for advancing and encouraging Trade; and for imploying and provideing for the poor. And seeing now in the beginning of our Reign We have recommended nothing but what is for the ſecurity and happineſs of that our ancient Kingdom We hope that you will with unanimity dispatch what comes before you And We expect by your prudence and conduct, this Seſsion of Parliament ſhall be brought to such a happy conclusion as ſhall lay the foundation of that firm Union and true Understanding betwixt us and our people as is neceſsary for the happineſs of both, And so We bid you heartily farewell. Given at our Court at St James's the 15th day of May 1702, and of our Reign the first year.

By her Ma^{ts} Command
Sic subscribitur SEAFIELD.

Directed thus,
To the Noblemen and to the Barrons Commiſsioners for Shires, and to the Commiſsioners for Burroughs aſsembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties High Commiſsioner made a Speech to the Parliament.

THEREAFTER the Lord Chancellor made a Speech to the Parliament.

[The Queens Letter & Commiſsioner & Chancellors Speeches to be printed] A MOTION being made for printing her Majesties Letter His Grace the Commiſsioners Speech and the Lord Chancellors Speech; the ſame was ordered accordingly.

[Anent recognizing her Majesties authority] MOVED that an Act be brought in next Sederunt of Parliament for Recognizeing her Majesties Royal Authority And her Majesties Coronation Oath with the attestation by several of the Privy Council of her takeing the ſame were read.

ORDERED that the draught of an Act be brought in next Sederunt of Parliam[t] for recognizeing her Majesties Royal authority.

[The Protestant Religion] MOVED that an Act be brought in next Sederunt of Parliament for secureing the Protestant Religion and Presbiterian Church Government as now eſtablished Which was ordered accordingly.

[Anent a Fast] MOVED that an Act be brought in Authorizeing the Appointment of a Fast conform to the desire of the Commiſsion of the General Aſsembly Which was ordered accordingly.

[Committees] MOVED that the Committies be appointed And agreed that there be four Committies One for the Security of the Kingdom consisting of nine of each State A second for contraverted Elections consisting of five of each State A third for drawing an Answer to her Majesties Letter consisting of one of each State And the fourth of the like number for reviſeing the Minuts.

ORDERED that the Members prepare their lists for the several Committies to be elected next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XI, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

DRAUGHTS of the following Acts viz. Act Recognizeing her Majesties Royal authority Act for Adjourning the Seſsion Act Declareing the present meeting of Parliament to be a lawfull and free meeting of Parliament Act for Secureing the true Protestant Religion and Presbiterian Government and Act for a National Fast, all read for the first time. [Acts read]

HER Majesties most gracious Letter to the Parliament presented by her Majesties high Commiſsioner in answer to the Addreſs from the Parliam[t] in relation to the Company Tradeing to Affrica and the Indies and concerning the Union with the Kingdom of England Read and Ordered to be printed and recorded, And the Drawing of an answer thereto Remitted to the Committie to be named for drawing an answer to her Majesties Letter read the former Sederunt, Of which Letter now read the tenor follows.

Sic ſuprascribitur ANNE R.

My Lords and Gentlemen

Her Majesties Letter in answer to the Addreſs relateing to the African Company & concerning the Union &c.

THE Addreſs you made in the laſt Seſsion of Parliament to our deceast Royal brother King William of ever bleſsed memory was presented to him by our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberry our Commiſsioner and our two Secretaries of State for that our ancient Kingdom, And his Majestie designed to have returned an answer thereto at your first meeting; In which no doubt he would have fully signified his good intentions for that our Kingdom and for the encouragement and ſatisfaction of the Company tradeing to Affrica and the Indies; but he being prevented by death Our Commiſsioner and Secretaries have presented your Addreſs to us which we have had fully under our consideration.

IT is our firm purpose and resolution to maintain the Soveraignty and Independency of that our ancient Kingdom against all invasions or incroachments whatsoever And We ſhall be ever equally tender of the rights prerogatives & liberties of the Crown and Kingdom of Scotland as of these of the Crown and Kingdom of England And We ſhall make it the chief design of our Reign to govern both according to their respective Laws and Liberties, and to avoid all occasions of misunderstanding or differences betwixt them. And

for this end We ſhall think it our happineſs to establish an intire Union betwixt the two Kingdoms upon an equal and just foundation And the Parliament of our Kingdom of England haveing ſhown so good inclinations towards this Union We expect that you will do nothing in your part that can obstruct a design so usefull for the security and happineſs of both.

ORDERS were given by the late King that none of our Subjects of Scotland ſhould be imprest from on board Scots ſhips by the English for the Sea ſervice And We have taken effectual methods and ſhall give ſuch orders as ſhall be neceſsary for the full protection of our Subjects of that our Kingdom in this matter and for the encouragement of Commerce between the two Nations.

WE do heartily regrate the great loſses and disappointment which the Company tradeing to Affrica and the Indies have ſustained in the carying on and prosecuteing their Designs in Settleing of a Colony in America which has been also a great prejudice and loſs to the whole Kingdom: And therefore We ſhall chearfully concurr in any thing that can reasonably be proposed for their reparation and aſsistance nor ſhall they want our countenance and protection in all their just designs and concerns And We ſhall ever endeavour to promote the trade not only of that Company but of the whole Nation And ſhall do every thing that is in our power for the wellfare and prosperity of our people So We bid you heartily farewell Given at our Court at St James's the 21st day of April 1702 And of our Reign the 1st year.

By her Ma^{ts} Command
Sic subscribitur HYNDFOORD.

Directed thus
To the Lords Temporall, and to the Commiſsioners for Shires and Burghs Aſsembled in Parliament in our ancient Kingdom of Scotland.

ORDERED that the several States of Parliament Seperat and make election of the Committies appointed by the last Sederunt Whereupon the States haveing Seperat returned and reported their ſeveral Elections as follows viz.

Committies

FOR the Security of the Kingdom Of the State of the Nobility The Earl of Melvill Lord President of the Privy Councill The Duke of Argyll The Marqueſs of Lothian The Earls of Marr, Lauderdale, Loudoun, Leven and Hyndfoord and Viscount of Stair. Of the State of Barons Sir Robert Sinclair of Stevenson Sir John Swintoun of that Ilk Mr Francis Montgomery of Giffan John Crauford of Kilbirny Sir Coline Campbell of Aberruchill Adam Drummond of Megginsh Sir James Elphingstoun of Logie Duncan Forbes of Culloden and Mr James Melvill of Halhill And of the Commiſsioners for Burghs John Anderson for Glasgow Sir Archbald Muir Sir James Smollet Sir David Dalrymple Sir Alexander Ogilvie Sir John Hamilton Sir Hugh Dalrymple Mr Robert Stuart and Sir Alexander Home.

FOR Contraverted Elections Of the State of the Nobility The Earls of Buchan Glencairn and Kintore The Viſcount of Tarbat and Lord Forbes Of the State of Barons William Morison of Prestongrange Robert Pollock of that Ilk Sir Coline Campbell of Ardkinglaſs Sir John Dempster of Pitliver and Robert Reid of Baldovie And of the Commiſsioners for Burghs John Muir for Air Sir Andrew Home Mr John Murray Mr William Johnstoun and Mr Robert Forbes.

FOR Drawing an Answer to her Majesties Letter The Duke of Argyll Mr Francis Montgomery of Giffan and Sir Hugh Dalrymple.

FOR Reviseing the Minuts The Viscount of Tarbat Sir Coline Campbell of Aberruchill and Sir David Dalrymple.

A MOTION being made that a Supplie be granted to her Majestie for maintaining of the forces for Security of the Peace of the Kingdom And it being also moved That effectual courses be taken for secureing the coasts and trade of the Kingdom And likewayes for Secureing the Peace of the Highlands: And sicklike it being moved that that part of her Majesties Letter concerning the Union with England be taken into consideration;

THE said Motions were all remitted to the Committie for Security of the Kingdom.

ORDERED That the Committies do meet in their usual places to morrow at Nine a clock.

THE Lord Chancellour by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at Ten a clock.

JUNE XII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT Recognizeing her Majesties Royal Authority read the second time and voted and approven nemine contradicente

ACT Adjourning the Seſsion till the first of July next read the second time and voted and approven.

ACT for Secureing the true Protestant Religion and Presbiterian Government read the second time.

[Sir Alex^r Bruce expelled] SIR Alexander Bruce Commiſsioner for the Burgh of Sanquhar haveing said upon the reading this Act that the Act of Parliament Establiſhing Presbiterian Government did contain things inconsistent with the eſsence of the monarchy; He was thereupon called to the barr, and not giveing satiſfaction he was ordered to withdraw, And the question being put Expell him out of the Parliament or not It carried in the affirmative nemine contradicente, And a Warrand was ordered to the Burgh of Sanquhar to elect a new Commiſsioner in his place in manner following.

Warrand to the Burgh of Sanquhar for electing a Commiſsioner HER Majesties High Commiſsioner and the Estates of Parliament in respect that Sir Alexander Bruce Commiſsioner to this present Parliament for the Burgh of Sanquhar is expelled the Parliament by a Sentence of this date Grants order and warrand to the Magistrats and Toun Councill of the said Burgh to elect a Commiſsioner to represent the said Burgh in this Parliament in vice of the said Sir Alexander Bruce at Sanquhar the Eighteenth day of June instant And Ordains intimation to be made hereof in the usual manner.

THEREAFTER the Act being again read was voted and approven nemine contradicente.

ACT declareing the present meeting of Parliament to be a lawfull and free meeting of Parliament was read the ſecond time and voted and approven nemine contradicente.

[Faculty of Advocats] UPON information that ſome Advocats had met to draw and ſigne an addreſs concerning the meeting of Parliament or other publict matters Warrand was granted to Macers to Cite the Dean of Faculty and Advocats to appear before the Committee for security of the Kingdom to morrow at ten a clock in the forenoon and to bring with them the said paper each of them who hath or had or fraudfully have put away the ſame as they will be answerable at their highest perill.

THE Act for a National Fast the second thursday of July next read the second time and voted and approven.

[Acts touched with the Scepter] THEN the above Acts viz. Act Recognizeing her Majesties Royal authority, Act Adjourning the Seſsion, Act for Secureing the Protestant Religion and Presbiterian Government, Act Declareing the present meeting of Parliam^t to be a lawfull and free meeting of Parliament And Act for a National Fast were all by her Majesties high Commiſsioner touched with the Scepter in the usual manner, and ordered to be published and printed, Of which several Acts the tenors do follow.

ACT Recognizeing her Majesties Royal Authority.

THE Estates of Parliament considering that by 1
the decease of the late King William of ever glorious memory the Crown and Royal dignity of this Kingdom is according to the Claim of Right and by undoubted right of Succeſsion devolved upon Queen Anne Our present Gracious Soveraign; And that her Majestie hath duely sworn the Coronation Oath conform to the said Claime of Right Therefore the Estates of Parliament for themselves and in name and behalfe of the whole ſubjects of this Kingdom do hereby Aſsert Recognize and Acknowledge her Majesties Royal power and authority over the said Kingdom and her undoubted right and title to the Imperial Crown thereof Ratifieing and Approveing Likeas they hereby Ratifie and Approve the administrating the said Coronation Oath to her Majestie upon the decease of the late King by the Lords of Privy Council that were then at London and their attestation made thereupon with the Proclamation of her Majesties Privy Council here in Scotland for proclaiming her Majesties said right and title And her Majestie with advice and consent of the said Estates of Parliament doth Declare that it is and ſhall be high treason in any of the ſubjects of this Kingdom by writing ſpeaking or any other manner of way to disown quarrell or impugne her Majesties Royal power and Authority or right and title to the Crown: And farder Her Majestie with advice & consent forsaid Statutes and Ordains that the oath of alleadgeance hereto ſubjoined ſhall be sworn, and the ſame with the Aſsureance added to it subscribed by all persons of publict trust civil ecclesiastick and military who have not yet ſworn and ſubſcribed the ſame to her Majestie according to the tenor of the Sixth Act of the fourth Seſsion of this present Parliament Intituled Act for takeing the oath of Alleadgeance and Aſsureance And Recommends it to the Lords of her Majesties Privy Council to cause the said Oath of Alleadgeance & Aſsureance be farder taken in manner foresaid at such times and in such methods as they ſhall appoint.

The Oath of Alleadgeance.

I A. B. do sincerely promise and swear that I will be faithfull and bear true alleadgeance to her Majestie Queen Anne So help me God.

The Aſsureance.

I A. B. do in the sincerity of my heart Aſsert Acknowledge and Declare that her Majestie Queen Anne is the only lawful and undoubted Soveraign of this Realm as well de jure that is of right Queen as de facto that is in the poſseſsion and exercise of the Government And therefor I do sincerely and faithfully Promise and Engage that I will with heart and hand life and goods Maintain and Defend her Majesties Title and Government againſt the pretended Prince of Wales and his adherents and all other enemies who either by open or secret attempts ſhall diſturb or disquiet her Majestie in the poſseſsion and exercise thereof.

ACT Adjourning the Seſsion till the first of July next.

2 OUR SOVERAIGN LADY Considering that the sitting of the Parliament begun the Ninth of June instant may continue for the said moneth of June whereby the Leidges cannot now conveniently attend Do therefore with advice and consent of the Estates of Parliament Adjourn the Seſsion to the first day of July next to come Continueing all actions and cauſes depending before the Lords of Seſsion to the said first day of July And her Matie dispenses in the mean time with the sitting of all inferior Courts as if the Seſsion had not been adjourned and notwithstanding of the sitting of the Parliament And furder declares that the time and ſpace betwixt the date hereof and the said first day of July ſhall not be reckoned in any ſhort prescription And ordains these presents to be published at the mercat Croſs of Edinburgh and to be furthwith printed that the leidges may be certified thereof.

ACT for Secureing the true Protestant Religion and Presbiterian Government

3 OUR SOVERAIGN LADY the Queens Majesty with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms all Laws Statutes and Acts of Parliament made againſt Popery & Papists and for the establishing maintaining and preserveing of the true Reformed Protestant Religion and the true Church of Chriſt as at present owned and settled within this Kingdom As likewayes for Establishing Ratifieing and Confirming the Presbiterian Church Government and Discipline That is to say the Government of the Church by Kirk Seſsions Presbitries Provincial Synods and General Aſsemblies to be agreeable to the word of God and the only Government of Christ's Church within this Kingdom And particularly without prejudice of the generality forsaid Her Matie with advice and consent foresaid Ratifies Approves and Confirms the fifth Act of the second Seſsion of this current Parliament Intituled Act Ratifieing the Confeſsion of Faith and Settleing Presbiterian Church Government in the haill heads clauses and articles thereof as if at length herein set down But prejudice nevertheleſs to the twenty ſeventh Act of the fifth Seſsion of this present Parliament intituled Act concerning the Church as to the allowance therein given to certain Ministers not actually aſsumed by the Established Church Judicatures under the conditions and proviſions allwayes exprest in the said Act.

ACT Declareing the present meeting of Parliament to be a lawfull and free meeting of Parliament

4 OUR SOVERAIGN LADY the Queens Majestie with advice and consent of the Estates of the Kingdom presently aſsembled in Parliam^t Enacts Statutes and Declares that the meeting of Parliament now conveened by vertue and warrand of the seventeenth Act of the sixth Seſsion of this Parliament Intituled Act for the Security of the Kingdom and by her Majesties Adjournment agreeable thereto is a lawfull and free meeting of Parliament for the ends therein mentioned And farder in pursuance of the first Act of the first Seſsion of this Parliam^t and without any derogation thereto It is declared That it ſhall be high treason for any person to disown quarrel or impugne the dignity and authority of this present meeting of Parliament upon any pretence whatsoever And ordains these presents to be published at the mercat croſs of Edinburgh that none pretend ignorance.

ACT for a National Fast

5 THE Estates of Parliament takeing to their serious Consideration an Act of the Commiſsion of the General Aſsembly for a solemn National fast and humiliation and the weighty causes and reasons for the ſame therein contained; and the said Commiſsion haveing made application to her Majesties high Commiſsioner to have the civil Sanction thereto interponed Therefore Her Majestie with advice & consent of the said Estates of Parliam^t doth hereby Command and Appoint that the second thursday of July next being the ninth day of the said moneth be set apart as a day of ſolemn fasting and humiliation for makeing prayers and supplications to God for the causes and reasons foresaid; And that the said day be religiously and strictly observed by all persons within this Kingdom And ordains all Ministers to read this

present Act with the forsaid Act of the Commiſsion of the General Aſsembly publickly in their Congregations a sunday at leaſt before the said second thursday of July next appointed for keeping the said fast: Certifieing ſuch as ſhall not give due obedience or ſhall contemn or neglect the keeping and observeing the said day and duties that they ſhall be proceeded against by fineing not exceeding One hundred pounds Scots; And Warrands and Commands the Sheriffs Stuarts of Stuartries Lords and Baillies of Regalities and all their Deputes Justices of Peace and Magistrats of Burghs within their ſeveral Jurisdictions to proceed against the transgreſsors and exact the fines accordingly to be applyed the one half to the Judge and the other halfe to the poor of the paroch; And Certifieing ſuch Ministers as ſhall faill in their duty in not reading this Act with the foresaid Act of the Commiſsion and in not observeing the duties therein prescribed they ſhall be proceſsed before and puniſhed by the Lords of her Majesties Privy Councill: And all Sheriffs Stewarts Lords and Baillies of Regalities and all their Deputes Justices of Peace Magistrats of Burghs and their Clerks are hereby required to make report to the Lords of her Majesties Privy Councill of these Ministers who shall faill of their duty And ordains these presents with the foresaid Act of the Commiſsion of Aſsembly to be printed and this Act to be published at the mercat Croſs of Edinburgh and haill remanent mercat Croſses of the head Burghs of the Shires and Stewartries of the Kingdom that none pretend ignorance, And that Copies be dispersed in the usual manner to Sheriffs Stewarts Baillies of Regalities or their Deputes and Magistrats of Burghs as likewayes to all Ministers that they may seriously exhort all persons to a sincere and devout observance of the premiſses.

THE Committies appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of his Majesties High Commiſsioner Adjourned the Parliament till tuesday next at ten a clock.

JUNE XVI, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Report anent Supplies to her Majesty]

THE Report of the Committee for Security of the Kingdom read, viz. It is the opinion of the Committee for Security of the Kingdom that a resolve be made in Parliament to grant sufficient Supplies to her Majestie for maintaining forces repairing forts and garisons and provideing arms and amunition and guarding the coasts and trade, for secureing the peace and quiet of the Highlands and generally for defence and security of the Kingdom.

MOVED that a Committie be appointed for reviseing the accounts of the money given and laid on by the former Seſsions of this Parliament.

AGREED that a Committie be appointed for that end and that there be three of each State and that the Members bring in their lists, next Sederunt.

THE said Report being again read was voted and approven.

[Charge against the Advocats]

REPORT from the Committie of Security anent the affair of the Advocats Remitted to them, that they had called the Dean of Faculty and whole Advocats whereof about ſeventy had declared they gave no warrand to the Dean of Faculty to subscribe the paper called the Addreſs and twenty of them refused to answer the Question And that the Committie had caused the said refusers enact themselves to appear before the Parliament this day and ordered her Majesties Advocat to prepare and exhibite a Charge againſt them.

HER Majesties Advocat exhibited the said Charge Which being read the said Advocats that had enacted themselves were called and the Charge read to them.

THE Dean of Faculty for himselfe and in name of the others called Craved a competent time to answer the libell, it being complex.

HER Majesties Advocat declared that the Defenders ſhould have a copy of the libel and inſtructions thereof with a list of the witneſses, and craved that a copy given to the Dean of Faculty ſhould be ſufficient for him and the rest. To which the Defenders agreed.

BUT thereafter, Her Majesties Advocat declared he would give a copy to each of them But that the documents ſhould be put in the Dean of Faculties hands to serve for him and the rest Which was agreed to and ordered to be marked.

ORDERED that the Defenders give in their Answers to the Charge on tuesday next with continuation.

ORDERED that the Committie for drawing the Answers to her Majesties Letters do meet to morrow morning and prepare draughts for the Parliament.

THE other Committies Appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjurned the Parliament till thursday next at ten a clock.

JUNE XVIII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent the Advocats] WARRAND craved by and granted to her Majesties Advocat for citeing witneſses in the Charge at his instance againſt the Dean of Faculty and Advocats refuseing to answer and sisted before the Parliament.

[Anent a Supply to the Queen] REPORT from the Committee of Security of the Kingdom viz. It is the unanimous opinion of the said Committee That a supply be granted to her Majestie for seven moneths Ceſs in one year for maintaining of forces repairing of forts and garrisons and provideing arms and amunition and maintaining of frigots for guarding the trade and coasts: And likewayes it is their unanimous opinion that the ſaid Ceſs ſhall be continued to her Majestie for the ends foresaid for ane year and a halfe makeing up in all ten moneths and a halfs Ceſs payable in the said year & a half beginning the first terms payment at the terme of Candlemaſs One thousand ſeven hundred and three years, read.

THEREAFTER the Draught of an Act upon the ſame ſubject brought in from the said Committie, and read the first time.

A DRAUGHT of a Letter from the Parliament to her Majestie brought in from the Committie, read; And being again read by paragraphs was voted and approven Of which Letter the tenor follows.

May it please your Majestie

The Parliaments Letter to the Queen YOUR Majesties most Gracious Letter was Received and Accepted by us in this our first meeting after the death of our late Glorious Soveraign as a high and most ſeasonable favor.

THE late King William of ever bleſsed memory by his acceſsion to the throne delivered us from imminent ruine and under his Royal Government We for many years enjoyed such a happy settlement as in the times of war as well as of peace gave us the quiet and full poſseſsion of our religion laws and liberties and all that could be dear to us.

BUT when so great a loſs did fill us with sorrow and fears Your Majesties succeſsion by undoubted right to the Crown of your many royal Ancestors under whose Scepter this your ancient Kingdom hath so long flourished was the only comfort whereof we were capable.

YOUR Majesties firm constancie in the true Protestant Religion is the great satisfaction of all its wellwiſhers And you have at your entrie to the royal government shewed that care and concerne for the interest and prosperity of your Kingdoms and for the liberty of Europe as have every where revived with a new vigour whatever dureing the life of the late King was projected for these great ends.

IT is our misfortune that We are at this time deprived of your Royal presence But your Majestie doth ſo fully make up this disadvantadge by the benigne influences of your Royal favour in giveing us so full aſsureances of your firm resolution to protect our Religion Liberties and Laws particularly the Presbiterian Government as now estabſiſhed as gives us only ground to regret that by this our neceſsary distance We should be hindered to expreſs in your own presence our most cordial and dutiful Acknowledgements.

IT pleased the late King to continue us dureing his Reigne as the Parliament and Representatives of his people And there could be nothing more for our honour and We hope for your Majesties service and the Kingdom's satisfaction than that you have been pleased to call us together at this time and so graciously to signifie by us your good mind to all your ſubjects.

WE have most heartily and unanimously imbraced this opportunity to recognize your Majesties just right and title and to congratulat your entrie to the Royal government and withall to offer our best endeavours to maintain your Majesties authority to the outmost of our power.

AT our first meeting ſome of our number not waiting to hear your Majesties Commiſsion or gracious Letter read did without regaird to your Majesties authority and to the authority and dignity of Parliament withdraw and remove themselves from their attendance and from concurring as in duty oblidged to recognize your Majesties right and succeſsion or aſsisting in what appears so neceſsary at this time for the defence of the Protestant Religion and the preserveing and securcing the peace and safety of the Kingdom But leaveing this to your Royal consideration We ſhall only aſsure your Majestie that this their groundleſs seceſsion ſhall increase and strengthen our care and zeal for your Majesties service and what You have been pleased to recommend to us.

THE growing power and unbounded ambition of the French King and his most injurious owning the pretended Prince of Wales as King of this and your Majesties other dominions having engaged your Majestie in a just and neceſsary war We ſhould be wanting to ourselves as well as to your Majesties care for our preservation if We did not provide supplies for our own defence and security.

THE Union of the two Kingdoms of Scotland and England hath been long desired by all good men And the late King at his first acceſsion to the Government and We when conveened as a meeting of the Estates of the Kingdom did judge it one of the best means for procureing the happineſs and settling the peace of these Nations And therefore We are resolved to prosecute your Majesties Recommendation and the advancement already made by the Parliament of England with such a suteable return as may best contribute to accomplish this great designe to your Majesties satisfaction and glory.

WE take it for a singular mark of your Royal favour and a very promiseing encouragement to all our proceedings That your Majestie hath been pleased to appoint James Duke of Queensberry to be your Commiſsioner to represent your Royal person in this Seſsion of Parliament We have been already witneſses of his great ſufficiency faithfullness and zeal in the discharge of this high trust And We aſsure your Majestie that next to your Royal person he is to us most acceptable.

BEING therefore fully convinced that all that your Majestie demands or expects from us is our own ſecurity and happineſs and that you give us all the encouragements for these ends that we can poſsibly desire We doubt not but that all matters ſhall be ſo mannaged and concluded in this Seſsion of Parliament as may be most for the advancement of your Majesties ſervice and the peace and wellfare of the Kingdom.

Signed in presence by warrand and in name of the Estates of Parliament by

May it please your Majesty
Your Majesties most humble, most obedient, and most faithful subject and ſervant,

Sic ſubscribitur MARCHMONT Cancellar.
Edinb^{r} the 18th I. P. D. Parl.
of June, 1702.

Committee for Reviseing the Account of money laid on by former Seſsions of Parliament.

ORDERED that the several Estates of Parliament Separat and make Election of the Committee for reviseing the Accounts of money laid on by the former Seſsions of this Parliament as was appointed by the last Sederunt, Whereupon the Estates haveing separat themselves returned and reported their ſeveral Elections as follows viz. Of the State of Nobility the Earls of Galloway and Northesk and Lord Boyle Of the State of Barons Sir Robert Sinclair of Stevenson, John Crauford of Kilbirnie and Duncan Forbes of Culloden And of the Commiſsioners for Burghs Sir James Smollet Sir John Hamilton and Mr William Johnstoun.

THE Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at eleven a clock.

JUNE XIX, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT anent the Supply read a second time, And after some debate the vote being stated, Approve the Act as brought in from the Committie, or not, and Carried in the affirmative. [Anent the Supply]

ORDERED that at the next Sederunt of Parliament the Members concerned bring in lists of such Commiſsioners of Supply as they desire to be added to the number. [Commiſsioners of Supply]

DRAUGHT of an Act for an Union betwixt the Kingdoms of Scotland and England brought in from the Committie for Security read a first time and ordered to ly on the table. [Act for an Union of the Kingdoms]

RECOMMENDED to her Majesties high Commiſsioner the transmitting of the Parliaments answer to her Majestie.

PETITION by James Earl of Mortoun anent his right to the Isles of Orkney and Zetland read, And a draught of a deliverance recommending the Earls case to her Majestie, read voted and approven And is as follows.

Recommendation to Her Majestie in favors of the Earl of Mortoun

THE Estates of Parliament haveing heard a Petition for James Earl of Mortoun humbly Shewing unto his Grace her Majesties High Commiſsioner and the said Estates that since the year 1^{m} vj^{c} and sixty nine the Petitioner and his predeceſsors have been continual complainers of the great hardſhip they then ſuffered and still lay under by a Decreet of Reduction in absence pronounced against them by the Lords of Seſsion of their right to the

Islands of Orkney and Zetland and the Confirmation thereof in Parliament with the Annexation of the said Islands to the Crown, Nor is there any thing more griveous in this hardſhip they lay under than that their most earnest desire hath constantly been to have a full and free hearing in Parliament which tho never positively refused yet hath been hitherto delayed by unaccountable accidents to the Petitioners great vexation loſs and expences. In the Parliament I^m^ vj^c^ and ninety three the Petitioner presented a full petition for remedy and redreſs and on the fifteenth of June the said year got a deliverance recommending his case to their then Majesties with the hardſhips and stretches he and his predeceſsors had ſuffered and for allowing him notwithstanding of the said Decreet of Seſsion and Act of Parliament againſt him to prosecute a Reduction of the said Decreet; But all the effect of this Deliverance was Recommendations to the Thesaury for some favor as an intrem. In the last Seſsion of this present Parliament the Petitioner again applyed more fully to have his cause heard and discust and had a day appointed for his hearing But the Parliament being taken up with a throng of weighty matters the Petitioner choised to sist any furder proceſs till the next Seſsion of Parliament hopeing that in the mean time the Commiſsioners Grace would keep his Majestie mindfull of his good intentions and that the Parliament would also continue their good inclinations signified by their deliverance I^m^ vj^c^ and ninety three that so all impediments might be removed that might hinder the Petitioners cause to come to a final decision And upon this the Petitioner gave in his Declaration which on the first of February I^m^ vij^c^ and one years was read in Parliament and ordered to be marked in the minuts of proceſs where it ſtands marked accordingly By all which and especially by the foresaid Petitions here related to, His Grace and their Lordships might perceive the griveous hardships that have still increased upon the Petitioner by the delayes he hath suffered and what great reason he has to beseech and obtest this honourable Court of Parliament that he may once have a full hearing and diſcuſsion of his cause, And if not poſsible that he may at least have such a deliverance from his Grace and their Lordſhips as may both recommend the Petitioner to her Majeſtie for a provisional relief and likewayes bring his cause to a full decision with the first opportunity either before the Lords of Seſsion with a parliamentary power or before the Parliament as his Grace and their Lordſhips ſhould think meet as the said Petition bears, And the said Estates of Parliament haveing also considered the Petitioners case as represented in the abovewritten petition together with the Petitioners early and zealous appearance for the late King William of bleſsed memory and his dutiful and constant adherence to him dureing his whole Reigne with his renewed alleadgeance duty and zeal for her Majestie have according to a former reference made by this Parliament in the year I^m^ vj^c^ and ninety three in favors of the Petitioner humbly and earnestly Recommended and do hereby humbly and earnestly Recommend the Petitioners case to her Majestie to the effect her Majestie may consider the hardſhips the Petitioner and his predeceſsors have suffered by the abovementioned Decreet and Act of Parliament and what hath ensued thereon and which hardſhips do ſtill continue and increase upon him And that her Majestie may allow the Petitioner notwithstanding thereof to prosecute a Reduction of the forsaid Decreet with all that hath followed thereupon And in the mean time they have farder Recommended and do hereby farder Recommend the Petitioner to her Majesties care to be provided for as her Majestie in her Royal wisdom and bounty ſhall think fit untill the foresaid cause be finally discuſsed And do hereby Recommend to the Secretaries of State to offer this with the said former Recommendation to her Majestie with their first convenience.

ACT anent the Supply of Ten moneths and a halfs Ceſs upon the land rent touched by her Majesties high Commiſsioner with the Scepter in the usual manner. Of which Act the tenor follows.

ACT anent the Supply of Ten Moneths and a halfs Ceſs upon the Land Rent

THE Estates of Parliament Considering the 6
Dangers that threaten this Kingdom by reason of the just and neceſsary war that this as well as her Majesties other Kingdoms is engaged in and that it is needful for the defence of the true Protestant Religion as now by law established, the maintaining of her Majesties undoubted right and suceſsion to the Crown as settled by the Claim of Right and for preserveing and secureing the peace of the Kingdom that a Supply be granted for the pay of the forces for the outreiking & maintaining of frigots to guard the coasts and trade, for repairing of the castles forts and garrisons and for provideing of arms and ammunition, Do therefore for themselves and in name and behalfe of this Kingdom whom they represent make offer to her Majestie of the sum of Seven hundred fifty six thousand pounds Scots money extending to ten moneths and a halfs Ceſs Which new Supply commenceing at the iſh of the Supply now current is to be raised and uplifted out of the Land rent of this Kingdom in the ſame manner and conform to the proportions of the Shires and Burghs contained in the fifeteenth Act of the ninth Seſsion of this current Parliament dated the thirtie first of January I^m^

vij ° and one years Provideing allwayes that the proportions of Burghs be rated and payed as their Taxt roll now is or shall be settled by themselves Which new Supply is to be payed at the terms following viz. Three moneths Cess at the term of Candlemass I^(m) vij^c and three and two moneths Cess at Lambmass, and two moneths Cess at the term of Martinmass thereafter in the said Year and two moneths Cess at Candlemass I^(m) vij^c and four, and a moneth and a half's Cess makeing up the haill Ten moneths and a halfs Cess at Whitsunday thereafter, And her Majestie considering that this Supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons shall be exempted from payment of their proportions of this supply for their Lands upon any pretence whatsoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there For which mortified Lands and Lands of Newmills Deduction is to be allowed in the quota of the respective shires notwithstanding of any former law or priviledge in the contrary. And Her Majestie with advice and consent foresaid doth Nominat and Appoint the same persons who have been formerly named in any Session of this current Parliament and are still alive and have qualified themselves according to law or shall qualifie themselves betwixt and the second Tuesday of September next to come and such others as shall be nominat in this present Session of Parliament to be Commissioners for ordering and uplifting the said Supply With power to choise their own Clerk and to do every thing concerning the said Supply as is prescribed and appointed by the foresaid Act and the other Acts to which it relates holding the same as here repeated And Ordains Execution to pass for inbringing thereof as is provided by the said Acts in all points And Ordains the first meeting of the said Commissioners of Shires to be at the respective head Burghs thereof the said second Tuesday of September next to come And requires the Sheriffs and Stewarts or their deputes to intimat the same to the Commissioners of their Shires and Stewartries With power to them to appoint the subsequent dyets of meeting and their Conveeners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit And Commits to her Majesties Privy Council upon the death or not acceptance of any of the Commissioners of Supply appointed by this Act to nominat and appoint others in their places: And Her Majestie with advice and consent foresaid doth Declare that all clauses contained in former Acts of Parliam^t and Convention of Estates in relation to the inbringing of the Cess and quartering and anent rideing money do stand in full force as to the Supply now imposed as if they were herein exprest except in so far as these Acts of Parliament and Convention are innovat or altered by the Sixth Seventh and First Acts of the Second Fifth and Sixth Sessions and First and Fifteenth Acts of the Seventh and Ninth Sessions of this current Parliament And it is hereby Declared that no persons lyable in payment of the said Supply shall be holden to produce their discharges or recepts of the same after three years from the respective terms of payment unless Diligence be done therefore by Denunciation within the three years foresaid And because by the Supply hereby granted the Land rent and Burghs of this Kingdom are only burdened And it being just that personal Estates in money should bear some proportional burden Therefore Her Majestie with advice and consent foresaid Statutes and Ordains That every Debitor owing money within this Kingdom at Six per Cent. of interest shall in the payment of his annual rent the said year and an halfe have retention in his own hands of a twelvth part of Six per Cent. And this Retention to be from the term of Martinmass next to come exclusive to the term of Whitsunday I^(m) vij and four years inclusive And it is hereby Declared that it shall be usury for any Creditor to refuse to grant the said Retention And it is farder Statute and Ordained that no part of the foresaid Supply be applyed to any other uses than those particularly above exprest upon any pretence whatsoever.

FOLLOWES the Commissioners of Supply given in by the Noblemen and Commissioners for the several Shires as was ordered in Parliament.

Edinburgh.

The Earls of Dalkeith and Dalhoussie the Lords Jedburgh & Bellenden the Lairds of Carnwath and Prestoungrange Sir James Primrose George Cranstoun of Dewar William Wilson of Hagbrae Sir James Macklurg of Vogrie the Laird of Mortounhall Sir John Ramsay, the Laird of Woodhouselie Robert Prestoun of that Ilk James Stewart of Goodtries younger.

Haddingtoun.

The Earls of Roxburgh and Haddingtoun the Viscounts of Kingstoun and Teviot Sir Andrew Ramsay of Wauchtoun Sir Robert Hay of Linplum Sir David Dalrymple, the Laird of Hopetoun Sir James Primerose John Cockburn younger of Ormestoun Doctor Matthew Sinclair of Hermestoun Doctor George Oswald of Prestoun Robert Brown of Colstoun Hamilton younger of Olivestab Congletoun of that Ilk James Christie of Newhall Lord David Hay William Sandielands in Eastbarns, John Clerk younger of Pennicook Sir Francis Kinloch of Gilmertoun.

Berwick.

The Earl of Haddington Sir David Dalrymple Advocat, Robert Johnstoun of Keltoun, George Swintoun of Lauchtoun John Rentoun of Lambertoun Joseph Home of Nynewells Sir Hugh Dalrymple Lord President of the Seſsion Alexander Home of Law John Home of Bell Sir Gilbert Elliot of Headſhaw George Logan of Burncastle Sir George Nicolson of Kemny William Cockburn of Cockburn Home of Slatehouse Fullertoun of Auchinheavie.

Roxburgh

The Earls of Dalkeith Roxburgh Haddingtoun Livetennent Collonell Douglas Sheriff Depute Ker of Frogdean.

Selkirk.

The Earl of Dalkeith

Lanerk.

Mr David Carmichael of Corsefoord the Laird of Carnwath the Laird of Jordanhall the Marqueſs of Douglaſs his Baillie John Walkingshaw of Barrowfield.

Dumfreis.

James Earl of Dalkeith Sir John Jardine of Applegirth, Sir Walter Laurie of Maxwelltoun, the Laird of Lagg younger the Laird of Dornock younger John Bell of Crowdiknow William Irving of Auchinhedrig George Maxwell of Carnsalloch Murray of Drumerief William Johnstoun of Bearholme Livetennent Collonell Thomas Dalziel of Belfoord Meinzies younger of Enach Robert Johnstoun of Wamphry.

Wigtoun.

Livetennent Collonell John Stewart of Sorbie John Stewart of Phisgill William Cultrane of Drumorell William Gordon of Grange Alexander Agnew of Dalregle Patrick Vanse younger of Barnbarroch Mr Andrew Roſs of Carnbrock.

Air.

Sir John Shaw of Greenock, Sir Alexander Home Advocat Mr William Dalrymple Mr James Boiswell younger of Auchinleck Hugh Montgomery of Bushbie John Montgomery younger of Giffens Patrick Hunter of that Ilk John Crauford younger of Oldmuir Hugh Cunninghame of Clonbeth Alexander Montgomery of Sloſs Robert Muir of Blairstoun Samuel Muir of Park William Blair younger of Gifferdland James Gaud of Harygate Charles Dalrymple of Langlands James Campbell of Little Ceſsnock George Campbell of Netherwood Robert Farquhar of Catharen Sir Robert Montgomery of Skelmurlie Mackkerrill of Hilhouse James Montgomery of Third Part and John Mitchell of Daldilling.

Dumbartoun.

The Marqueſs of Montrose, Coline Campbell of Ardingtoun Archbald Campbell of Rachaine, William Campbell of Succoth.

Renfrew.

The Master of Roſs, Sir Robert Montgomery of Skelmorlie James Hamilton younger of Orbiestoun James Maxwell of Blvarthill James Mackgilchrist of Northbar Allan Pollock of Arthurlie James Walkinshaw of that Ilk William Walkinshaw of Scotstoun the Laird of Caldwall Alexander Naper of Blackstoun Hugh Crauford of Woodside the Laird of Aikenhead younger Sir John Schaw of Greenock.

Stirling.

The Marquiss of Montrose Archbald Buchannan of Drumakeill Charles Row of Inuerallan Writer to the Signet James Shaw of Dalquhairn John Row of Bandeath the Laird of Harbertshire younger John Erskine younger of Balgonie Cunninghame of Caddell the Laird of Buquhan younger the Laird of Hopetoun Sir John Schaw of Greenock.

Linlithgow.

The Lord Torphichen the Laird of Hopetoun David Dundaſs of Philipstoun George Dundaſs younger of Dudingstoun Francis Durehame of Duntervie John Stuart of Newhall Andrew Durhame of Luchhold James Crauford of Lochcoat John Hay younger of Carrubber Robert Ramsay younger of Blackcraig Patrick Dundaſs of Breistmilne Samuel Wilson younger of Plewlands William Sandielands of Coſstoun Adelphus Dureham of Boghead James Dalgleiſh Baillie of Queensferry.

Perth.

The Marquiſs of Montrose the Earl of Murray the Viscount of Dupline the Lord Glenorchie the Lord Rollo the Lord Kinaird, Mr John Campbell of Mammore James Stirling of Keire Sir John Murray of Glendoick John Stuart of Inuernytie Mungo Haddine younger of Glenagies William Murray younger of Auchtertyre James Campbell of Lawers William Murray younger of Abercairnie William Graham younger of Orchill James Graham of Garvack John Graham of Gartoun Grahame younger of Balgounie Thomas Moncrief younger of that Ilk Captain Alexander Campbell of Finabb, David Drummond of Drummondearnock Mr George Drummond of Callender John Drummond of Keltie John Reed of Cultibragane John Drummond younger of Pitkellanie Mr Dougal Stuart younger of Blairhall Sir James Kinloch of that Ilk Mr Alexr Duncan of Lundie Mungo Grahame of Gorthie Alexander Graham younger of Duchrie William Grahame of Glenure John Campbell of Turrarich William Stuart of

Craigtoun Alexander Stuart younger of Craigtoun the Stewart Depute of Monteith Mr James Campbell of Lecropt John Erskine younger of Balgounie George Prestoun younger of Walliefield Coline Fairfoull of Brockindane Captain Archbald Meinzies of Culdairs John Campbell of Lochdochart James Robertson of Park of Kirie John More of Craigarnal William Edmonstoun of Steps John Edmonstoun of Coldach Henry Buchannan younger of Lenie Mr Robert Buchannan of Arnprior Henry Balnaves of Rotmell John Haddine of Lanerick John Mushet of Craighead Mr John Fogo portioner of Rauies Stirling of Kipindevie Grahame of Meiklewood Alexander Naper of Kings Boquhaple William Govan younger of Bowquhaple Givane Mr William Keir of Kilmunth James Ramsay of Newtoun Stuart of Balechan Mr James Forrester of Milnhill [John] Deuchar of Comrie Anthony Murray of Dollary James Campbell younger of Burnbank.

Kincardine.

Sir Charles Ramsay of Balmain Falconer of Newtoun Mr John Falconer younger of Phesdo Middleton of Balbigno Forbes younger of Thorntoun.

Aberdeen.

The Lord Haddo the Lord Inuerurie the Master of Forbes Alexander Hay of Arnbath Mr John Elphinstoun younger of Logie the Laird of Inuerallachie Captain John Forbes of Boyndlie James Keith younger of Keithfield the Laird of Muresque, the Laird of Pitlurg the Laird of Pitmedden younger William Keith younger of Ludquhairn Leslie younger of Kincraigie James Keith of Clacriach Gordon of Auchridie Gordon of Craig Gordon of Kegnith William Pantoun of Milnetoun.

Cromarty.

The Master of Tarbat, Mr Roderick M'kenzie of Prestounhall Mr James M'kenzie of Fairns, Æneas Mackeleod of Catball William Gordon of Dalfolly John Dallas of Bannans.

Argyll.

[John] Mackarthour of Arthourhal, Mr John Fullartoun of Greenhall Hugh Campbel of Leicks John Campbel of Orchart the Provost of Inverary for the time James Campbell Baillie of Inverary Patrick Mackarthour of Streinich Archbald Campbell of Clynirie Sir James Campbell of Auchinbreck Dougall Campbell of Kilberrie Coline Campbell younger of Glendaruel Archbald Campbell younger of Leicks.

Fyfe.

The Duke of Argyll the Earls of Rothes Kellie and Haddingtoun the Laird of Lundin Mr Thomas Hope younger of Rankeillor Patrick Moncrief younger of Reidie Alexander Gibsone of Durie John Crauford younger of Montwhannie Lunden of Auchtermairny younger Mr David Barclay of Touch Sir Michael Balfour of Deanmiln John Riddel of Grange Burne younger of Midlemiln Major William Arnot of Achmuir the Viscount of Roseberry Sir James Halket of Pitfirren Livetennent Collonell Forbes of Pittencrief Sir William Hope of Craighall Sir Andrew Ramsay of Abbotshall David Douglafs in Easter [Law], Sir John Prestoun of Prestounhall John Cowan of Corstoun.

Forfar.

Carnegie of Balnamoone Carnegie of Boysack Sir James Wood of Bonnietoun Halyburtoun of Pitcurr David Lindsay of Edgill Sir Coline Campbell of Aberruchill David Falconer of Newtoun George Maxwell of Tollen John Fullartoun of Kinnaber George Ogilvie of Lunen Charles Ogilvie of Dysart Captain Charles Stratoun Harie Crauford of Monorgan Alexander Pyper of Newgrange William Caulks of Fullertoun Mudie of Arbykie Mr Robert Forbes of Lernie Mr Thomas Fairweather of Tarrie Captain William Cramond of Muirtoun.

Bamff.

George Gordon of Carnousie Mr Andrew Hay of Montblaine James Gordon of Ardmalie John Cuthbert of Brackinhills William Gordon of Birkingtoun younger Alexander Abercrombie of Glafsa John Dumbar of Kirkhill James Daull of Cromry Alexander Wilson of Littlefield Alexander Abercrombie of Skeith Major Anderson of Westertoun.

Stewartry of Kirkcudbright.

John Murray of Bruchtoun Captain William Maxwell of Cardoners Provost Robert Johnstoun in Dumfries John Sharp of Hoddam.

Caithnefs.

The Lord Reay James Sinclair of Lyth Patrick Sinclair of Braibstairdorran Patrick Dunbar of Bowarnaden Alexander Sinclair of Dun David Sinclair Tutor of South Dun George Manson of Bridgeend William Budge younger of Toftengal Donald Groat of Wars John Groat of Duncansbie John Manson of Whitcaiker Alexander Sinclair of Olrick Donald Campbell of Ainster George Sinclair of Barrack John Sinclair younger of Barrack John Sinclair younger of Asten John Sinclair younger of Lybster James Sinclair of Holburnhead Charles Sinclair of Bilbster Alexander Sinclaif of Oldrick Captain Adam Cunninghame of Ockingill James Sinclair of Stanyfter Richard Sinclair of Thuray.

Elgine.

James Dunbar younger of Durn Robert Urquhart of Burgearge.

Orkney.

Sir Archbald Stuart of Burray John Stuart of Burgh George Baikie of Tankernefs Robert Baikie of Tankernefs younger William Mudie of Melsetter James Mudie of Melsetter younger Thomas Buchannan of Saintside Mr James Stuart of Tuquhoy David Sutherland of Windbreck Henry Ballandine of Hammagar Mr Robert Honyman of Grahamsey Malcolm Scolly of Huttoun the Stewart of Orkney and his Deputes.

Ross.

Robert Mackenzie of Applecorse younger, Hugh Rofs of Brealanguel.

THE Committies appointed to meet on Munday at Ten a clock.

THE Lord Chancellour by order of her Majesties High Commifsioner Adjourned the Parliam^t till Tuesday next at ten a clock.

JUNE XXIII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

WILLIAM Alves Commifsioner for the Burgh of Sanquhar elected by Warrand of Parliament in place of Sir Alexander Bruce took the oath of alleadgeance and figned the fame with the afsureance and took the oath of Parliament.

A LETTER from her Majestie to the Parliament Read and Ordered to be printed, Whereof the tenor followes.

Sic suprascribitur ANNE R.

My Lords and Gentlemen,

A Letter from her Majestie to the Parliament

BEING informed that at your first meeting by vertue and warrant of the 17th Act of the 6th Sefsion of this current Parliament and of our Proclamation of Adjournment agreable thereto several Members of Parliament after Prayers said, and declineing to wait the reading of our Commifsion granted to James Duke of Queensberry Representing our Royall person in this meeting of Parliament did presume to declare openly that they did not conceive themselves warranted to meet and act in this present Sefsion of Parliament And therefore Difsented from any thing fhould be done or acted therein; And thereupon did take Instruments and withdraw and remove from their attendance. We have thought fit to signify to you our just resentment of this irregular and unusuall proceeding and our resolution to owne and maintain this present Sefsion of Parliament and the dignity and authority of the fame and of our high Commifsioner thereto against all opposers. And this We thought fit to declare for your better encouragement That you may proceed vigorously in your work for the defence of the true Protestant Religion the maintaining of the Succefsion to the Crown, and for the preserving and fecuring of the peace and fafety of the Kingdome And so We bid you heartily farewell Given at our Court at St James's the 17th day of June 1702 and of our Reign the first year.

By her Ma^ts Command

Sic subscribitur RO: PRINGLE.

Directed thus,

To the Noblemen and to the Barons Commifsioners for Shires and to the Commifsioners for Burroughs afsembled in Parliament in our ancient Kingdom of Scotland.

A REPRESENTATION of the Heretors and others upon the Coast of Lochryan for securing the said coast against privateers read, and Remitted to the Privy Council to do in the matter represented what they fhall Judge neceefsary for the end foresaid as at more length is contained in the following Remit.

Remit to the Privy Councill in favors of the Heretors Tennents & others Inhabitants upon the Coast of Lochryan

HER Majesties High Commifsioner and the Estates of Parliament haveing heard a Representation for the Heretors Tennents and others Inhabitants upon the coast of Lochryan Shewing to them that the Bay of Lochryan being a place most safe and commodious for Shipping and where most of the fleets from Scotland and the west of England do rendezvous and so is continually infested with privateers whereby not only fhips at anchors and even in the harbours are robbed and the men taken and carried off But likewayes they fhut boats and ravage the houses upon the coast and carry away the inhabitants with their goods and even do attempt to come in upon the Countrey and drive out herdfhips of cattle whereby that place dureing the last war was become almost desolate and was made known not only to the Lords of Privy Council but likewayes to the last Sefsion of Parliament by the Depositions and Declarations of feveral persons exhibite before them in May I^m and vij^c years All which dangerous and sad calamities do now again imminently threaten that place severall of the pirats haveing appeared upon the coasts already fince the declaration of the war whereby the famen will be dewasted and

ruined unleſs that some effectual means be taken for preventing thereof Which is humbly expected his Grace her Majesties high Commiſsioner and the honourable Estates of Parliament will not omit by ordaining a competent number of men with six or eight peice of Cannon to reside in that place where with a little expence they may be easily accomodat and be a preservation both to ſhipping and Countrey as the said representation bears Which being considered by her Majesties high Commiſsioner and the said Estates of Parliament They have Remitted and do hereby Remit to the Privy Council to do in the matter represented what they ſhall judge neceſsary for the end foresaid.

[Commiſsioners of Supply] ACCORDING to the order of the former Sederunt of Parliament Lists were brought in of such Commiſsioners of Supply as were desired to be added to the number And being read in Parliament were approven and leave given to bring in more Lists next Sederunt of Parliament.

[Highland Justiciary] DRAUGHT of an Act anent the Highland Juſticiary brought in from the Committee for Security, read a first time.

[Anent the Union] DRAUGHT of an Act concerning the Union betwixt the Kingdoms of Scotland and England Read a second time and ordered to ly on the table till the next Sederunt of Parliament.

[Anent the Advocats] THE Dean of Faculty and Advocats appointed to appear and answer this day were called And they appearing and her Majesties Advocats Charge againſt them read They moved they might have Advocats to aſsist Whereupon they were allowed ſeven to aſsiſt them in their defence; And in their defence haveing proponed peremptor defences and then recurring to dilators And a debate ariseing if this ſhould be allowed It was agreed that the Defenders be heard both upon their dilator and peremptor defences And that the Advocat might answer to both before the Parliament give their Judgement in the Case: Then both dilator and peremptor defences were read And after a long hearing on both sides the Defenders removed and the Question was put Sustain the dilators or Repel them and carried Repel.

THEREAFTER the Question was put If the voting that the Dean of Faculty ſhould signe in Name of the Faculty in a matter extrinsick to their ordinary Administration and his Signeing accordingly be relevant to inferr an arbitrary punishment or not and Carried in the affirmative.

THE further insisting in the Charge continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XXV, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ARCHBALD Douglaſs of Cavers one of the Commiſsioners for the ſhire of Roxburgh being absent the former Sederunts of Parliament took the Oath of Alleadgeance and ſigned the same with the Aſsureance and took the Oath of Parliament.

MORE Lists of Commiſsioners of Supply read in Parliament and approven. [Commiſsioners of Supply]

ORDERED that in printing the Act for the Supply the Quotas of Inverneſs and Nairn be rectified conform to the tenor of an Act of Parliament I^mo vjc^o and ninety now produced which is the rule of their payment and whereby it is appointed that Twenty six pound Scots be deduced from the Quota of Ceſs payed [monthly] by the ſhire of Nairn and be added to the Quota of Ceſs payed monethly by the ſhire of Inverneſs. Order concerning the Quotas of Supply payable by the ſhires of Inverneſs and Nairn

DRAUGHT of an Act concerning the Union betwixt the two Kingdoms of Scotland and England As also the draught of a Letter from the Parliament to her Majestie expreſsing their confidence that in the treaty of the said Union Her Majestie will have a gracious regaird to the maintaining of the Presbiterian Government in this Church were both read And the Question being put Approve the Act and Letter foresaid or not Carried in the affirmative. [Anent the Union]

BEFORE calling of the Rolls upon the ſaid vote Walter Stuart Commiſsioner for the Burgh of Linlithgow declared that he did Diſsent from the ſaid vote in respect that by no clause in the draught of this Act the Commiſsioners to be named were limited or hindred from treating about the reintroduction of prelacie albeit the same be abolished by the Claim of Right and Craved the same might be recorded And thereupon took instruments: And George Moncrief of Reedy one of the Commiſsioners for the ſhire of Fyfe adhered to the diſsent. Walter Stuart's & George Moncrief's Diſsent from the voteing the Act concerning the Union &c.

THE Act for the Juſticiary in the Highlands read a second time and voted & approven.

[Acts touched with the Scepter]

THE Act enabling her Majestie to appoint Commiſsioners for an Union betwixt the two Kingdoms of Scotland and England; As also the Act for the Justiciary in the Highlands were touched with the Scepter by her Majesties high Commissioner in the usual manner, Of which two Acts, and of the foresaid Letter relative to the first of them the tenors do follow.

ACT enabling her Majesty to appoint Commiſsioners to treat for an Union betwixt the two Kingdoms of Scotland & England

7 THE Estates of Parliament considering that an Union of the two Kingdoms of Scotland and England hath of a long time and often been desired for the mutual good and greater happineſs of both Nations, And that the late King William of bleſsed memory did ſome years agoe propose it to the Estates of this Kingdom and of late recommended it to the Parliament of England Likeas Her Majestie who now Reigns hath out of her Royal care and zeal for the welfare of her Subjects renewed the ſame desire to the Parliaments of both Kingdoms; And that in compliance with this her royal purpose the Parliament of England hath past an Act for Enableing her Majestie to appoint Commissioners to treat for an Union between the said Kingdoms. And the Estates of Parliament being fully satisfied that the ſaid Union is needfull and would be very advantageous for the defence of the true Protestant Religion and for the better preserveing and establishing the peace ſafety and happineſs of both Kingdoms Therefore Her Majestie with advice and consent of the said Estates of Parliament doth Enact Statute and Ordain that such persons and quorum thereof as ſhall be nominat and appointed by her Majestie under the Great Seal of this Kingdom ſhall have full power and Commiſsion Likeas Her Majestie with advice and consent foresaid doth hereby Give and Grant full power Commiſsion and Authority to the said persons and their quorum to conveen and meet at such time and times and in such place and places as her Majestie shall please to appoint to treat and consult with ſuch Commiſsioners as ſhall be nominat and authorized by her Majestie in manner foresaid in behalf of the Parliam‘ and Kingdom of England of and concerning ſuch an Union of the said Kingdoms of Scotland and England and of and concerning such other matters causes and things whatsoever as the said Commiſsioners or quorum thereof aſsembled as aforesaid and the said Commiſsioners to be nominat by her Majestie for the Parliament and Kingdom of England in manner abovementioned ſhall according to the tenor of their respective Commiſsions think neceſsary or convenient for the honour of her Majestie and the Union Common good and Wellfare of both the said Realms for ever: And the said Commiſsioners for both the said Kingdoms shall according to the tenor of their respective Commiſsions set down & reduce their proceedings in the said matter into four several Writings or Instruments each of them to be ſubscribed and sealed by the said Commiſsioners and their quorum to the end that one of these writings or Instruments may in all humility be presented to the Queens Majestie and another of the said Writings or Instruments to be offered to the Parliament of Scotland And the other two of the said Writings or Instruments to be offered to the Parliament of England at their next Seſsions to be held in each Kingdom respective after such Writings or Instruments ſhall be Subscribed and Sealed by the said Commiſsioners; That thereupon such farder proceedings may be had as by her Majestie and both the said Parliaments ſhall be thought fit and neceſsary for the weell and common good of both the said Kingdoms To which Parliaments the intire Consideration of the whole and the allowing or diſsallowing of the ſame or any part thereof as they ſhall think fit is wholly reserved And it is farder Provided that no matter or thing to be treated of proposed or agreed by the said Commiſsioners by vertue of this Act ſhall be of any strength or effect whatsoever untill it be first confirmed and established by the Authority and an Act of the Parliament of Scotland.

FOLLOWS the tenor of the foresaid Letter.

A Letter from the Parliament to the Queen relative to the Act anent the Union &c.

May it please your Majesty

THE Estates of Parliament in the due and cheerful prosecution of what your Majestie so graciously Recommended as to the Union of both Kingdoms have past an Act enabling your Majestie to appoint Commiſsioners for treating thereof in the ſame extent and almost in the ſame terms with that past in the Parliament of England.

IT fell under our consideration that when the meeting of the Estates did at the late Kings Acceſsion to the throne Nominat Commiſsioners for the like Treaty They expreſsly Reserved our Church Government as it should be established the time of the Union.

BUT the Presbiterian Government being founded in the Claime of Right, with our entire confidence in the full aſsureance your Majestie has been pleased to give us That you are firmly resolved to protect and maintain us in the full poſseſsion of the Presbiterian Government of the Church as at present Established, are our ſatisfieing Security.

AND Therefore hopeing that your Majestie both in the nameing of the Commiſsioners and in the

whole procedure of the Treaty will have a gracious and careful regaird to the maintaining of the Presbiterian Government of the Church as now Established by Act of Parliament and ratified by your Majestie in this Seſsion of Parliament, and which in the Experience of all is found to be the true interest and solid foundation of the peace and quiet of this Kingdom; We heartily wish for such an Accomplishment of this great work as may be to your Majesties perpetual honour and the lasting wellfare and happineſs of both Kingdoms.

Signed in presence, by Warrand and in name of the Estates of Parliament by
May it please your Majestie
Your Majeſties most humble most obedient and most faithfull Subject and Servant
Sic subscribitur MARCHMONT Cancellar.
Edinburgh I. P. D. Par:
the 25 day of June 1702.

ACT for the Justiciary in the Highlands.

8 OUR SOVERAIGN LADY Considering how neceſsar it is for suppreſsing the robberies and depradations so frequently committed in the Highlands That the Commiſsion of Justiciary which has from time to time been granted since the year One thousand six hundreth and ninety three should be renewed with ſuch conditions and provisions as may render the ſame most effectual Doth Therefore with advice and consent of the Estates of Parliament Enact and Declare That her Majestie by vertue of her prerogative royal may of new grant Commiſsions of Justiciary one or moe to such persons and for such times as her Majestie ſhall think fit for the bounds of the Highlands, That is to say for the ſhires of Roſs Inverneſs Nairn Elgine Bamf Aberdeen Kincardine Angus Perth Stirling Dumbartoun and Argyll with all the powers neceſsary and usual in ſuch Commiſsions by the advice of the Lords of her Majesties Privy Council consisting allwayes with the Laws of the Kingdom the nomination of the persons being left to her Majestie And excepting therefrom the bounds and lands lying and comprehended within the heretable right of Justiciary Generall pertaining to the Duke of Argyll within the said bounds Recommending nevertheleſs to the said Duke that when her Majestie grants the said Commiſsion one or moe for the said bounds not above excepted for the space of three years after the date of this Act he ſhall grant ample Commiſsions of the like nature for his bounds at the ſame time dureing the said ſpace and to the ſame perſons that ſhall be named by her Majestie at least to so many of them as are willing to act by vertue of the said Commiſsions To the effect that all the said Commiſsioners acting of consent within the whole foresaid bounds, the foresaid robberies and depradations may be the more effectually restrained: Reserveing power to the Duke of Argyll as haveing right of heretable Justiciary Generall within his bounds to sit with the said Commiſsioners to be nominat as ſaid is, within the said bounds and to preside amongst them when present: And providing farder that the Court holden within his bounds when fenced in her Majesties name ſhall be also fenced in his name as her Majesties Justiciar Generall in manner foresaid without prejudice allwayes to the Duke of Argyll and of the Lords of Regality and all others of their respective heretable rights and jurisdictions And reserveing to them their rights of prevention for fifeteen dayes with their rights to all the escheats and other casualities as accords Likeas her Majestie with advice and consent foresaid Statutes and Ordains That in case any robberies and depradations ſhall happen to be committed within the bounds of the said Commiſsions and the persons committers or hounders out ſhall happen to fly after being attacked by citation or arriestment without the bounds of the said Commiſsion the Judges within whose bounds any ſuch delinquents hounders out or abbettors live or reside or ſhall be found shall be oblidged to give their concurrence to apprehend the said delinquents to the effect they may be sisted before the ſaid Commiſsioners who are hereby impowered to judge them tho they do not reside within the bounds of their Commiſsions.

[Faculty of Advocates]

THE further insisting on the Charge at her Majesties Advocats instance against the Dean of Faculty and certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majestics High Commiſsioner Adjourned the Parliament till Saturday next at ten a clock.

JUNE XXVII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act & Letter anent the Union to be printed]

MOVED that when the Act concerning the Union ſhall be printed, the Letter from the Parliament to her Majestie relative thereto be also printed; Which was ordered accordingly.

[Commiſsioners of Supply]

SOME more Commiſsioners of Supply were added and being read were approven, the List of all which Commiſsioners added in this Seſsion are before insert after the Act anent the Supply.

[Anent abjuring the Prince of Scotland]

DRAUGHT of an Act for Abjureing the Pretended Prince of Scotland commonly called the Pretended Prince of Wales and now takeing upon him the title of King of Scotland, read; and moved that a first reading be marked thereupon.

MOVED that the Act being of great importance might ly on the table till the members had further considerations thereof And after much debate which of the motions ſhould be received and how the vote ſhould be ſtated: Agreed that the state of the Vote ſhould be Mark a firſt reading upon the Act or Ly on the table; and carried Mark a first reading.

[Faculty of Advocats]

THE charge at her Majesties Advocats instance against the Dean of Faculty and certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XXX, M,DCC,II.

PRAYERS said Rolls called.

JAMES Broddie of that Ilk one of the Commiſsioners for the ſhire of Elgine being absent the former Sederunts of Parliament took the oath of Alleadgance and signed the ſame with the Aſsureance and took the oath of Parliament.

MINUTS of the last Sederunt read.

Remit to the Privy Councill of the proceſs at the instance of her Maties Advocat agt the Dean of Faculty and others Advocats.

THE Dean of Faculty and the Advocats conveened with him being called and the Interloquitor in the cause of the twenty third instant read to them, they were ordered to withdraw; And it being moved and debated Whether to proceed further agt them before the Parliament or to Remit their case to ſome of the Judicatures Her Majesties high Commiſsioner and the Estates of Parliament have Ordered and hereby Order the proceſs as it stands to be Remitted Likeas they by thir presents Remit the ſame to the Privy Council to be further proceeded in before their Lordships as they ſhould see cause.

THEREAFTER Her Majesties high Commiſsioner made the following ſpeech.

My Lords and Gentlemen,

The Commiſsioner's Speech

THE cheerfulneſs and unanimity of your proceedings in this Seſsion of Parliament in recognizeing her Majesties Royal authority secureing the Protestant Religion and Presbiterian Government and expedeing the other Acts that have been past for her Majesties ſervice and the good and ſafety of the Kingdom, will, I am persuaded be very acceptable to her Majestie and satisfieing to all her good subjects, and I do aſsure you is very obligeing to me.

BUT I must regret that when I was expecting we should have parted in the same happy manner a proposal which I had ſome ground to think was laid aside was offered the other day to my surprize as well as that of her Majesties other Ministers which occasioned some debate and difference in the house.

MY early engageing and firm adherence to the present Establishment is so well known that none can doubt my readineſs to enter into all measures for her Majesties ſervice and ſecureing our happy settlement according to the Claim of Right and I am confident that you are all of that mind.

SINCE then we are all perfectly the same as to our dutiful and faithfull adherence to her Majestie and that the Claim of Right is our unalterable security; I judge it fit for her Majesties ſervice and your own interest to prevent further contest and debate amongst persons I know to be so intirely well affected to her Majestie and for whom I have all imaginable honour, to dismiſs this ſeſsion of Parliament.

WE have had no particular Acts or Ratifications that do require an Act Salvo, And I do render you hearty thanks in her Majesties name for the Loyalty you have testified by your publict acts and which I ſhall be carefull to report to her Majesty and shall only Recommend to you to let the Countrey know the gracious aſsureances her Majestie has been pleased to give us and to dispose them to their duty and to comply with her Majeſties royal intentions for their own wellfare and happineſs: And thus I do in her Majesties name, and by her authority Adjourn this Parliament till Tuesday the Eighteenth day of August next, which my Lord Chancellor is to declare in the usual form.

Act of Adjournment.

THE Queens Majestie Declares this Parliament current and Adjourns the ſame to the Eighteenth day of August next to come; Ordaining all Members of Parliament Noblemen Commiſsioners from Shires and Burghs and all others haveing interest to attend at Edinburgh that day at ten a clock; and that there be no new Elections in Shires or Burghs except upon the death of any of the present Commiſsioners.

Apud Edinburgh,

VI DIE MAII, A. D. M,DCC,III.

THE LAWS and ACTS of the PARLIAMENT of Our most High and Dread Sovereign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the Sixth day of May One thousand seven hundreth and three years by His Grace James Duke of Queensberry Marqueſs of Dumfreis Shire Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwald and Roſs, Lord Douglaſs of Kinmount, Midlebie and Dornock &c. Principal Secretary of State for the Kingdom of Scotland, One of the Lords of Her Majesties most honourable Privy Council Thesaury and Exchequer, an Extraordinary Lord of Seſsion and Knight of the Most Noble Order of the Garter, Her Majesties high Commiſsioner for holding the same By vertue of a Commiſsion under the Great Seal of this Kingdom

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOR

The Marqueſs of Annandale Lord President of the Secret Council

The Marqueſs of Atholl Lord Privy Seal

DUKES of
Hamilton
Argyll

MARQUESSES of
Montrose
Tweeddale
Lothian

EARLS of
Crauford
Erroll
Marischall
Mar
Rothes
Mortoun
Buchan
Glencairn
Eglintoun
Home
Wigtoun
Strathmore
Roxburgh
Kellie
Hadington
Galloway
Lauderdale
Loudoun
Dalhouſsie
Findlater
Leven
Selkirk
Northesk
Kincardin
Belcarras
Forfar
Kintoir
Aberdeen
Dunmoir
Melvill
Ruglen
March
Marchmont
Hyndeford

VISCOUNTS of
Tarbat Secretary
Stormont
Stair
Teviot
Roseberry

LORDS
Forbes
Saltoun
Semple
Elphinstoun
Roſs
Lundoirs
Blantyre
Cranstoun
Reay
Forrester
Pitsligo
Frazer
Bargany
Elibank
Belhaven
Rollo
Colvill
Bellenden
Kinnaird
Boyle Thes' dep'

LESSER OFFICERS OF STATE
The Lords Register
Advocat
Justice Clerk

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- Sir James Primrose of Caringtoun
- Sir Robert Dickson of Inueresk
- George Lockhart of Carnwath

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- Sir John Lauder of Fountainhall
- Andrew Fletcher of Saltoun
- William Nisbet of Direltoun
- John Cockburn younger of Ormiestoun

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- Sir Robert Sinclair of Longformacus
- Sir John Home of Blackadder
- Sir John Swintoun of that Ilk
- Sir Patrick Home of Rentoun

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- Sir William Ker of Greenhead
- Sir Gilbert Elliot of Headſhaw
- Archbald Douglaſs of Cavers
- William Bennet of Grubbet

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- Mr John Murray of Bowhill
- Mr John Pringle of Hayning

Peebles
- William Morison of Prestoungrange
- Alexander Horseburgh of that Ilk

Lanerk
- William Baillie of Lamingtoun
- George Baillie of Jerveswood
- John Sinclair younger of Stevenstoun
- James Hamilton of Aikenhead

Dumfreis
- Sir John Johnstoun of Westerhall
- William Douglaſs of Dornock
- John Sharp of Hoddam
- Mr Alexander Ferguson of Isle

Wigtoun
- Mr William Stewart of Castlestewart
- Mr John Stewart of Sorbie

Air
- Mr Francis Montgomery of Giffin
- Mr William Dalrymple of Glenmuir
- Hugh Cathcart of Carletoun
- John Crauford of Kilbirnie

Dumbartane
- Mr Wm Cochran of Kilmaronock
- Sir Humphray Colquhoun of Luſs

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- Sir James Stewart of Bute
- Mr Robert Stewart of Tillicultry

Renfrew
- Sir John Houstoun of that Ilk
- Mr John Stewart yo' of Blackhall
- Robert Pollock of that Ilk

Stirling
- John Grahame of Kilearne
- James Grahame of Buchlivie
- Robert Rollo of Powhouse

Linlithgow
- Charles Hope of Hopetoun
- Thomas Sharp of Houstoun

Perth
- John Haldan of Gleneaglis
- Sir Patrick Murray of Auchtertyre
- William Oliphant of Gaſk
- Mungo Grahame of Gorthie

Kincardine
- Sir James Falconer of Phesdoe
- Sir Thomas Burnet of Leyes

Aberdeen
- Alexander Gordon of Pitlurg
- John Udny of that Ilk
- William Seton younger of Pitmedden
- James Moir of Stonywood

Invernesſ
- Ludovick Grant of that Ilk
- Alexander Grant younger of that Ilk

Nairn
- Hugh Rose of Kilraick
- Duncan Forbes of Culloden

Cromarty
- Mr Kenneth M'Kenzie of Cromarty
- Mr Æneas Mackleod of Cadboill

Argyll
- Mr John Campbell of Mammore
- Sir James Campbell of Auchinbreck
- James Campbell fiar of Ardkinglaſs

Fyfe
- Sir William Anstruther of that Ilk
- David Bethun of Balfour
- Major Henry Balfour of Dunboug
- Robert Douglaſs of Strahendrie

Forfar
- Mr Patrick Lyon of Auchterhouſe
- Mr James Carnegie of Phinhaven
- James Haliburtoun of Pitcurr
- David Graham younger of Fintrie

Bamf
- James Ogilvie younger of Boynd
- Alexander Duff of Bracoe

Stewartry of Kirkcudbright
- John Murray of Brughtoun
- William Maxwell of Cardineſs

Sutherland
- David Sutherland younger of Kinnald
- Alexander Gordon of Garthie

Caithneſs
- Sir George Sinclair of Clyth

Elgine
- James Broddie of that Ilk
- Robert Dunbar of Grangehill

Stewartry of Orkney	
	Sir Archibald Stewart of Burray
	Alexander Douglaſs of Eglishaw
Roſs	
	Kenneth Mackenzie of Garloch
	Kenneth Mackenzie of Scatwall
Kinroſs	
	John Bruce of Kinroſs

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Dornock	John Urquhart
Queensferry	Sir William Hamilton
Inverary	Daniel Campbell
Inverury	Mr Robert Forbes
Weick	Mr Robert Frazer
Kirkwall	Mr Robert Douglaſs
Inverbervie	Mr Alexander Arbuthnot
Stranrawer	Mr George Dalrymple
Campbeltoun	Mr Charles Campbell

PRAYERS said.

HER Majesties Commiſsion to James Duke of Queensberry for representing her Royal person in this Seſsion of Parliament was read by the Lord Clerk Register and Ordered to be recorded; Whereof the tenor follows.

Commiſsion to the Duke of Queensberry for representing her Matie in this Seſsion of Parliamt

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; Defensor Omnibus probis hominibus ad quos presentes Literæ Nostræ pervenerint Salutem Quandoquidem Nos gravibus magniq; momenti causis motæ Parliamentum hujus nostri antiqui Regni Scotiæ Edinburgi duodecimo die mensis Novembris ultimo elapsi conventurum indici curavimus quod in Sextum diem mensis Maii ſequentis prorogavimus Nos autem rebus magni momenti in Regno nostro Angliæ alio vocantibus in prima Seſsione dicti Nostri Parliamenti intereſse Nequimus Ideoq; eminentiſsimo cuidam et illustriſsimi Ordinis viro probatæ fidei eximiisq; Animi dotibus imbuto sacram Nostram personam et authoritatem in eodem representandi Commiſsionem dare Statuimus Atq; fidelitatem perpetuam eximias animi dotes et fidem fideliſsimi et dilectiſsimi Nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberrie principalis Status nostri Secretarii et unius ex Commiſsionariis Thesaurarii Nostri in prædicto Regno jampridem summopere expertæ qui variis summis Muneribus ipsi concreditis fideliter functus est Præsertim vero tanquam Noster Commiſsionarius pro Nostra persona antehac representanda Cum ita; talibus tantisq; animi dotibus sic præditus quæ ipsum ad hoc Munus obeundum aptiſsimum reddunt atq; ad promovenda pia nostra ac Regia proposita non solum Nobis fideliter ſerviendo ſed etiam Regni

Nostri tum in Ecclesia tum in Statu commodum et publicam rem augendo Noveritis igitur Nos dediſse et conceſsiſse tenoreq; præsentium dare et concedere prædicto nostro fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Jacobo Duci de Queensberry ſacram nostram personam representandi atq; regiam Nostram authoritatem gerendi in prima Seſsione dicti nostri Parliamenti in prædicto antiquo regno nostro Scotiæ et in quavis alia re ad commodum Ecclesiæ pacem et Regimen dicti Regni nostri ac servitii Nostri promotionem in singulis ejusd administrationibus ſpectante tanquam ſupremo nostro Commiſsionario pleniſsimam et uberrimam Nostram potestatem et Commiſsionem Porro tenore præsentium memoratum Jacobum Ducem de Queensberrie cum titulo Commiſsionarii Nostri Regali nostro charactere insignimus plenamq; ipsi tribuimus authoritatem et potestatem omnia et singula ad munus et imperium summi Commiſsionarii ſpectantia peragendi tam plene adeoq; libere quoad omnes effectus et conditiones quam quivis alius ejusd muneris et characteris regnantibus quibusvis Nostrorum anteceſsorum unquam fecerit vel facere potuerit Quæquidem omnia et ſingula in dicta hac Commiſsione prosequenda ab ipso legittime facienda Nos firma et rata habemus et habituri ſumus Omnibus et singulis insuper Status Nostri officiariis iisq; qui nobis ab intimis Conciliis sunt Judicibus et Tribunis Nostrarum in hoc Regno copiarum et cæteris quibuscunq; subditis dicti Nostri Regni stricte præcipimus et imperamus ut præfatum Jacobum Ducem de Queensberrie tanquam supremum nostrum Commiſsionarium ſacram Nostram personam representantem et Regalem nostram authoritatem gerentem agnoscant ipsiq; Reverentiam et Obsequium præbeant ad effectum et ſecundum normam in hac nostra Commiſsione præscriptam Quæ Commiſsio a data præsentium inchoanda declaratur et durante prima dicti Parliamenti Seſsione in vigore et usq; dum nobis placuerit eandem revocare continuanda Et deniq; Declaramus hanc Nostram Commiſsionem cuivis Diplomati et Commiſsioni prædicti Jacobi Ducis de Queensberrie de quocunq; alio munere a nobis ipsi concredito nequaquam derogare aut prejudicare sed eadem durante hac nostra Commiſsione et etiam post ipsius expirationem in pleno permanebunt vigore durante nostro beneplacito modo in singulis diplomatibus et commiſsionibus contento In cujus rei Testimonium Præsentibus magnum ſigillum Nostrum appendi mandavimus Apud Aulam Nostram de Saint James's Quarto die mensis Martii Anno Domini Millesimo ſeptingentesimo tertio Et anno Regni Nostri primo Per signaturam manu S. D. N. Reginæ supraſcripť. Written to the great Seal and Registrat the twenty first day of April 1703, Sic subscribitur Charles Ker. Sealed

THE Rolls called.

Protestations for Precedency.

THE Earl of Forfar protested in name of the Marqueſs of Douglaſs, that the calling of any others in the rolls of Parliament before him may not prejudge him of his first vote in Parliament.

THE Earl of Forfar protested alſo in name of the Earl of Sutherland againſt the calling of any Earls before him in the Rolls of Parliament.

THE Earl of Erroll protested against the calling any Earls before him.

THE Earl Marischall protested against the calling any Earls before him.

THE Earl of Mar protested against the calling any Earls before him.

THE Earl of Mortoun protested against the calling any Earls before him.

THE Earl of Eglintoun protested against the calling of the Earl of Glencairn before him.

THE Earl of Findlater protested against the calling the Earl of Airlie before him.

THE Earl of Leven protested against the calling of the Earl of Callender before him.

THE Lord Justice Clerk protested in name of the Lady Lovat against the calling of any Lord before the Lord Lovat.

THE Laird of Gleneaglis protested against the ranking of any Shires in the Rolls of Parliament before the ſhire of Perth.

THE Laird of Cavers protested against the calling any other of the Barons representing the ſhire of Roxburgh before him who is the most ancient Baron, and against the Lord Clerk Register and Lord Lyon for altering the order of their Commiſsion wherein he is first returned.

THE Lord Anstruther for the ſhire of Fyfe protested against the ranking of any other ſhire in the Rolls of Parliament before the ſhire of Fyfe.

THE Laird of Dunboug protested against calling the Laird of Balfour before him who is ſon to an ancient Lord.

HUGH Montgomery provost of Glaſgow protested that the order of the Rolls that is now called might not prejudge the rank of the Burgh of Glasgow.

Sir John Areskine's Protestation

SIR John Areskine of Alva protested that the calling of him as Burgeſs of the Burgh of Bruntisland might not prejudge him of his choice to represent the ſhire of Clackmannan, if his Commission from that ſhire ſhould be sustained and preferred.

THE Laird of Leuchat for the Burgh of Inuerkeithing protested against the calling of any other Burgh before Inuerkeithing.

UPON calling the Rolls there being several questions moved about double elections, and objections against elections from Shires and Burghs, It was agreed to proceed to constitute the house and to. qualifie the uncontraverted members and then to resume the consideration of these questions before the voteing of any other buſineſs.

AFTER calling of the Rolls the Court of Parliament was fenced in the usual forme by the Lyon King at Arms the words thereof being read by the Lord Clerk Register and repeated by him as follows.

The Parliament fenced

FORASMUCH as this present Parliament was called by her Majesties Royal authority and ſpecial mandat and is now met and conveened in obedience thereto I therefore in the name of her most Sacred Majestie Anne by the Grace of God of Scotland England France and Ireland Queen Defender of the Faith, and in the name of the high and mighty Prince James Duke of Queensberrie her Majesties high Commiſsioner for this Kingdom do fence and fix this Court to sit hold and continue dureing her Majesties pleasure, And I command all and sundry to reverence acknowledge and obey the ſame And I defend and forbid all persons whatsoever to make or occasion any trouble or molestation to this high Court of Parliament as they will answer at their highest perill.

WHEREUPON the Lord Boyle Lord Thesaurer Depute took Instruments in absence of her Majesties Advocat.

HER Majesties Gift and Commiſsion in favors of James Earl of Seafield to be Lord high Chancellor, read and ordered to be recorded; Whereof the tenor follows.

Commiſsion to the Earl of Seafield to be Lord Chancellor

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ſuis ad quos præsentes literæ Nostræ pervenerint Salutem Quandoquidem Nos intelligentes quantum ministerii Nostri commodo intersit summæ illud fiduciæ munus et officium Cancellarii Nostri antiqui Regni Scotiæ unico cuidam fidelitate intaminata integritate et eximiis animi dotibus imbuto committere Cumq; plurima habeamus testimonia tam de fidelitate quam præclaris animi dotibus et integritate fideliſsimi et dilectiſsimi Nostri Consanguinei et Conciliarii Jacobi Comitis de Seafield quibus ad summi illius officii munera exacte obeunda et fungenda usquequaq; est idoneus Noveritis Igitur Nos nominaſse feciſse constituiſse et ordinaſse sicuti per haſce Nostras patentes literas nominamus facimus constituimus et ordinamus eundem fideliſsimum et dilectiſsimum Nostrum Consanguineum et Conciliarium Jacobum Comitem de Seafield (durante nostro beneplacito ſolummodo) supremum dicti antiqui Regni nostri Scotiæ Cancellarium et solum et principalem magni nostri ſigilli ejuſdem Regni custodem Damus pariter concedimus et disponimus illi (durante ſpatio antedicto) idem munus locum et officium cum universis honoribus præcedentiis privilegiis feodis et ſallariis per quemlibet ex ejus in dicto officio anteceſsoribus potitis et gaviſis sive quæ de lege et consuetudine eo juste ſpectare dignoscentur Et ſpeciatim cum plenaria potestate et privilegio præsidendi in omnibus Parliamentis ordinum conventibus curiis aliisq; omnibus conventibus per nos statutis vel statuendis quibus dictus Noster supremus Cancellarius intererit (excepto omnimodo Scaccario Nostro præsente Thesaurario Nostro Principali) Omnibus pariter ſubditis Nostris mandamus et imperamus ut memoratum Jacobum Comitem de Seafield tanquam ſupremum Nostrum antedicti Regni Cancellarium omni quo par eſt honore et respectu ſummo illi officio et muneri debito agnoscant prosequantur et revereantur Secretioris etiam Concilii Nostri dicti Regni Dominos Requirimus iisq; authoritatem tribuimus ut juramentum ejus de fideli administratione in dicto munere et officio exigant utq; itidem juramenta fidelitatis et ſecuritatis aliaq; juramenta per leges ſtatuta ipsum dicere et ſubscribere efficiant In Cujus Rei Testimonium præsentibus magnum ſigillum nostrum cum ſecreto etiam Nostro Sigillo appendi præcepimus Apud Aulam Noſtram de Saint James's Vigesimo primo die mensis Novembris Anno Domini Millesimo ſeptingentesimo secundo et Anno Regni Nostri primo Per signaturam manu S. D. N. Reginæ ſuprascriptam. Written to the Great Seal and Registrat the thirtieth day of November 1702 Sic ſubscribitur Charles Kerr. Sealed with the Privie Seal the thirtieth day of November 1702 by ſpecial Warrand till the ſeal be renewed Sic subscribitur Wm Johnstoun. Sealed at Edinburgh the thirtieth day of November I^m vij^c and two years by ſpecial Warrand till the ſeal be renewed in absence of Sir Andrew Home Sic subscribitur Geo: Rentone.

HER Majesties Gift and Commiſsion in favors of William Marqueſs of Annandale to be President of her most honourable Privy Council, read

and ordered to be recorded; Whereof the tenor follows.

Commiſsion to the Marqueſs of Annandale to be President of the Privy Councill

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus suis ad quos præsentes literæ Nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes præclaram fidelitatem ſervitia fideliſsima et eximios animi dotes fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Gulielmi Marchionis de Annandale unde pro rite obeundo munere ſummæ fidei et officii Secreti Nostri Concilii antiqui Regni Nostri Scotiæ Præsidis usquequaq; sit idoneus Noveritis Igitur Nos nominaſse constituiſse et ordinaſse sicuti Nos tenore præsentium nominamus constituimus et ordinamus præfatum Gulielmum Marchionem de Annandale Secreti nostri Concilii dicti antiqui Regni Nostri Scotiæ Præsidem durante nostro beneplacito ſolummodo Cum plenaria potestate illi prædicto munere et officio utendi fruendi gaudendi idemq; exercendi cum universis honoribus dignitatibus privilegiis immunitatibus et casualitatibus quibuscunq; eo ſpectantibus atq; itidem tenore præsentium prædictum Gulielmum Marchionem de Annandale Secreti Nostri Concilii Præsidem antedictum prioritatem et præcedentiam immediate proximam Thesaurario Nostro ſoli et principali dicti Regni et immediate post locum illum præcedentiæ quem Thesaurarius principalis perprius retinebat ſeu retinere debuit omnibus locis et temporibus durante ſpatio antedicto habere ordinamus In cujus rei Testimonium præsentibus magnum Sigillum Nostrum appendi præcepimus Apud Aulam Nostram de Saint James's Quindecimo die mensis Decembris Anno Domini Millesimo ſeptingentesimo secundo et anno Regni Nostri primo. Per signaturam manu S. D. N. Reginæ ſuprascriptam. Written to the Great Seal and registrate the twenty third day of December 1702 Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of December One thouſand seven hundred and two by ſpecial order till the ſeal be renewed Sic subscribitur Alex^r Ogilvie.

HER Majesties Gift and Commiſsion in favors of John Earl of Tullibardine to be Lord Privy Seal, read and ordered to be recorded; Whereof the tenor follows.

Commiſsion to the Earl of Tullibardine to be Lord Privy Seal

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Noveritis Nos Regio nostro animo revolventes insignem fidelitatem magnosq; animi dotes dilectiſsimi nostri Consanguinei Joannis Comitis de Tullibardine &c. quibus ad munus et officium Secreti Nostri Sigilli dicti Regni custodis fideliter obeundum usquequaq; est adaptatus Igitur nominaſse constituiſse et ordinaſse tenoreq; præsentium nominamus constituimus et ordinamus dictum Joannem Comitem de Tullibardine (durante nostro Regio beneplacito ſolummodo) Dominum Custodem Secreti nostri Sigilli dicti nostri Regni Damus pariter concedimus et disponimus illi munus et officium Secreti nostri Sigilli Custodis cum loco et ordine præcedentiæ proxime et immediate post Dominum Præsidem Secreti nostri Concilii dicti Regni una cum universis honoribus privilegiis dignitatibus feodis casualitatibus proficuis et divoriis quibuscunq; eo ſpectantibus fruendis et gaudendis tam plene et libere in quovis respectu et conditione quam eadem poſseſsa et gavisa fuere per Nostrum Consanguineum et Conciliarium Gulielmum Marchionem de Annandale nuperum Custodem ejusdem vel per quosvis alios in dicto loco et officio anteceſsores quolibet tempore retroacto Cum potestate etiam dicto Joanni Comiti de Tullibardine deputatos pro custodiendo dicto ſecreto ſigillo nominandi et constituendi et Clericos et ad dictum ſigillum Scribas pro quibus respondebit creandi et generaliter omnia et singula alia faciendi utendi et exercendi ad privilegium et libertatem dicti officii perprius ſpectantia quævis inposterum quovis modo ſpectare dignoscentur Quæquidem omnia per dictum Joannem Comitem de Tullibardine in dicto munere et officio obeundo legitime facienda firma et rata habemus In cujus rei testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's Quindecimo die mensis Decembris Anno Domini Millesimo septingentesimo secundo, et anno Regni nostri primo. Per Signaturam manu S. D. N. Reginæ ſuprascript. Written to the great Seal and registrat the twenty third day of December 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of December One thousand seven hundred and two by special order till the Seal be renewed Sic subscribitur Alex^r Ogilvie.

HER Majesties Gift and Commiſsion in favors of George Viscount of Tarbet to be one of her principal Secretaries of State for this Kingdom: As also a Letter from her Majestie to My Lord Commiſsioner appointing the ſaid Viscount to have the seat and vote of Secretary of State for this Seſsion of Parliament, both read and ordered to be recorded, The tenors whereof follow.

Commiſsion to the Viscount of Tarbat to be one of the Principal Secretaries of State

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ſuis ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus ſtatus nostri ſecretariis antiqui Regni nostri Scotiæ nunc vacare per promotionem fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi

Comitis de Seafield ad officium supremi Cancellarii dicti Regni nostri Et nihil magis in Ministerii nostri et Regnorum nostrorum commodum conducere poſse quam ut viri probatæ fidelitatis et integritatis principales coronæ nostræ ministri speciatim vero Status Nostri Secretarii constituantur quibus specialem habere poterimus fidem tam quoad authoritatem nostram quam ſubditorum commodum Nosq, etiam abunde ſatisfacti de præclaris animi dotibus probitate aliisq, perpulchris facultatibus fideliſsimi et prædilecti Nostri Consanguinei et Conciliarii Georgii Vicecomitis de Tarbat quibus ad munus et officium unius ex principalibus ſtatus nostri Secretariis prædictis usquequaq, est inſtructus Ob prædictas itaq, et multas alias magni momenti rationes et considerationes Noveritis Nos nominaſse feciſse constituiſse et ordinaſse sicuti tenore præsentium nominamus facimus constituimus et ordinamus eundem Georgium Vicecomitem de Tarbat unum ex duobus ſtatus ſecretariis nobis pro dicto antiquo Regno Scotiæ (durante nostro beneplacito ſolummodo) et quoad præsentes scripto non revocentur et exonerentur coprincipalem et conjunctum cum fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Jacobo Duce de Queensberry altero pro dicto Regno Status Secretario, Dando et Concedendo sicuti tenore præsentium damus et concedimus prædicto Georgio Vicecomiti de Tarbat (durante ſpatio antedicto) locum officium et munus unius ex duobus principalibus conjunctis ſtatus nostri ſecretariis prædictis cum justo et equali dimidio omnium honorariorum emolumentorum beneficiorum casualitatum dignitatum et immunitatum quæ ad dictum munus et officium perprius pertinebant seu pertinere et ſpectare poterant Una cum annua pensione mille Librarum Sterlinensium secundum donationem ejusdem per Nos ipsi conceſsam datam cum præsentibus Cum plena potestate illi utendi et exercendi prædictum munus et officium Et specialiter scribendi subscribendi et Nobis offerendi omnes donationes cautiones et signaturas quascunq, Regali Nostro manu muniendas et levandi et recipiendi justum et equale dimidium omnium honorariorum præmiorum et casualitatum eo pertinentium Atq, etiam equalem habendi potestatem et privilegium cum dicto Jacobo Duce de Queensberry (altero Nostro Status Secretario pro dicto regno) recipiendi interponendi et conservandi omnia Signeta dicti Regni et equale beneficiorum et emolumentorum inde provenientium dimidium in privatos suos usus et commodum applicandi Atq, etiam potestatem constituendi deputatos et dictorum nostrorum Signetorum custodes et omnes Clericos et Signeto nostro Scribas admittendi et recipiendi Cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine ipsis Commiſsiones tribuendi quibus dictis muniis ad vitam frui et fungi poſsunt idq, quoties contigerit dicta munia quocunq, casu eſse vacua et compositionum et commodorum dimidium ex admiſsione dictorum Clericorum pervenientium recipiendi ac idem ad privatos accomodandi usus In cujus rei Testimonium præsentibus magnum Sigillum Nostrum Appendi præcepimus Apud Aulam Nostram de Saint James's vigesimo primo die mensis Novembris Anno Domini Nostri Milleſimo ſeptingentesimo secundo Annoq, regni Nostri primo. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great Seal and registrat the thirtieth day of November 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of November I^mo vij^c^ and two years in absence of Sir Andrew Home by ſpecial warrand till the Seal be renewed, Sic subscribitur Geo. Rentone.

FOLLOWS the tenor of the forsaid Letter appointing the Viscount of Tarbat to sit and vote as Secretary in this Seſsion of Parliament.

Sic suprascribitur ANNE R.

Letter appointing the Viscount of Tarbat to sit and vote as Lord Secretary.

RIGHT trusty and right intirely beloved Cousin and Councillor, We greet you well. Whereas We have Ordered Our right trusty and well beloved Cousin and Councillor George Viscount of Tarbat One of our Secretaries of State for that our Kingdom of Scotland to repair thither and to be present at the ensueing Seſsion of Parliament: And whereas it belongs only to one of our two Secretaries indefinitely to have place and vote in Parliament as an Officer of State Therefore We do Nominat and Appoint the said George Viscount of Tarbat to have place and vote and in every thing to act in the ensueing Seſsion of Parliament as the Secretary of State to whom we will have the said priviledge belong for this time So we bid you heartily farewell Given at our Court at Saint James's the day of 170¼, and of our reign the second year.

By her Mat^s^ Command
Sic subscribitur QUEENSBERRY.

Directed thus
To our right trusty and right intirely beloved Cousin and Councellor James Duke of Queensberry our Commiſsioner to our Parliament of our ancient Kingdom of Scotland.

Commiſsion to Sir James Murray of Philiphaugh to be Lord Clerk Register

HER Majesties Gift and Commiſsion in favors of Sir James Murray of Philiphaugh to be Lord Clerk Register, read and ordered to be recorded; Whereof the tenor followeth.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ Nostræ pervenerint Salutem Quandoquidem Nobis abunde satis-

factum sit tam de fidelitate et præclaris animi dotibus quam de sincera integritate fideliſsimi et dilectiſsimi nostri Conciliarii Domini Jacobi Murray de Philiphaugh speciatim vero quod ad munus et officium Registrorum et Rotulorum nostrorum Clerici in dicto Regno nostro obeundum apprime est instructus Noveritis igitur Nos nominaſse constituiſse et ordinaſse sicuti tenore præsentium Nominamus constituimus et ordinamus dictum Dominum Jacobum Murray (durante nostro beneplacito ſolummodo) Nostrorum Registrorum et Rotulorum Nostri Concilii et Seſsionis et Scaccarii nec non omnium Commiſsionum Parliamentorum et Ordinum Conventuum in dicto nostro Regno Clericum Dando et Concedendo illi idem munus et officium durante ſpatio antedicto cum omnibus honoribus dignitatibus privilegiis proficuis immunitatibus et casualitatibus quibuscunq, eo ſpectantibus vel quæ de jure et praxi dicti nostri Regni eo ſpectare dignoscentur Cum plena et absoluta potestate et authoritate illi eligendi et constituendi clericos substitutos vel deputatos unum seu plures in dictis officiis seu quavis ejusdem parte idq, ad vitam talium substitutorum seu deputatorum qui eorum officiis seu quavis ejusd parte cum omnibus eorundem emolumentis durañ omnibus eorum vitæ diebus respective potientur Ordinamus deniq, et authoritatem ipsi tribuimus omnia et singula facere et præstare de lege et praxi hujus Regni nostri dicto officio competentia vel perprius a quovis alio in dicto officio præstita Et tenore præsentium Ordinamus et Constituimus dictum Dominum Jacobum Murray habere levare et recipere integra præterita proficua divorias perquisita et casualitates quæ per dictum munus et officium exorta sunt a tempore quo idem per nos vacuum declarabatur In cujus rei Testimonium præsentibus magnum Sigillum Nostrum appendi curavimus Apud Aulam Nostram de Saint James's vigesimo primo die mensis Novembris Anno Domini Millesimo ſeptingentesimo secundo et anno Regni nostri primo, Per signaturam manu S. D. N. Reginæ ſuprascripť. Written to the great Seal and registrat the threty day of November 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of November I^{mo} vij^{c} and two years in absence of Sir Andrew Home by special Warrand till the Seal be renewed Sic subscribitur Geo. Rentone.

HER Majesties Gift and Commiſsion in favors of Mr Roderick Mackenzie of Prestounhall to be Lord Justice Clerk read and ordered to be recorded; Whereof the tenor follows.

Commiſsion to Mr Roderick Mackenzie of Prestounhall to be Lord Justice Clerk.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ſuis ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos abunde satisfacti de integritate et eximiis animi dotibus fideliſsimi et dilectiſsimi Nostri Magistri Roderici Mackenzie de Prestounhall unde pro munere loco et officio Justiciariæ Nostræ Clerici infra prædictum Nostrum Regnum Scotiæ fungendo usquequaq, sit idoneus Noveritis igitur Nos Nominaſse Constituiſse et Ordinaſse sicuti Nos tenore præsentium Nominamus Constituimus et Ordinamus memoratum Magistrum Rodericum Mackenzie durante Nostro beneplacito ſolummodo Nostrum Justiciarium Clericum dicti Regni nostri Scotiæ Dando Concedendo et Disponendo præfato Magistro Roderico Mackenzie durante ſpatio antedicto dictum munus et officium Justiciarii Clerici cum omnibus honoribus privilegiis feodis proficuis immunitatibus et casualitatibus quibuscunq, eo spectantibus per eum tam plenarie et libere in quovis respectu et conditione gaudendis et poſsidendis ac quivis alii in dicto officio prædeceſsores eodem potiti ſunt aut quovis tempore retroacto potiri potuerant In cujus rei Testimonium præsentibus magnum Sigillum Nostrum appendi præcepimus Apud Aulam Nostram de Saint James's trigesimo primo die mensis Decembris Anno Domini Millesimo ſeptingentesimo ſecundo et anno Regni nostri primo Per signaturam manu S. D. N. Reginæ suprascriptam. Witten to the Great Seal and registrat the Sixth day of January 1703 Sic subscribitur Charles Kerr. Sealed at Edinburgh the Sixth day of January One thousand seven hundreth and three years by ſpecial Order till the Seal be renewed Sic subscribitur Alex^{r} Ogilvie.

[Oaths taken]

THE Lord Chancellor took the oath of alleadgeance and subscribed the ſame with the aſsureance, and then took the oath of Parliament all administred to his Lordſhip by the Lord Clerk Register, And the Lord Clerk Register took the ſame oaths and ſubscribed the oath of alleadgeance with the aſsureance administred to him by the Lord Chancellor: After which all the other Nobility, Officers of State and Commiſsioners from Shires and Burghs five by five togither in their order took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance and aſsureance.

HER Majesties Letter to the Parliament was read first by the Lord Clerk Register and thereafter read again by one of the ordinary Clerks; Of which Letter the tenor follows.

Sic ſuprascribitur ANNE R.

The Queens Letter to the Parliament

My Lords and Gentlemen

WE thought to have brought you sooner together in this meeting of Parliament; But the great and weighty affairs wherein We have been engaged this winter were a neceſsary hinderance.

WE have on several occasions given you and all our good Subjects Aſsureances of our firm resolution

to maintain and protect them in their Religion rights and liberties as at present establiſhed by Law.

AND if there be any thing else wanting for the satisfaction of our People and the Security of that our ancient Kingdom We shall be alwayes ready to have it timeously provided for and supply'd.

YOU see that We continue Engaged in a great and neceſsary war for the defence of the Protestant Religion and the Preservation of the Liberties of Christendom; And We hope you will be carefull to guard against all dangers that this war may threaten For which end We recommend to you more particularly the consideration of the ſtate of our forces forts and garrisons that they be duly and sufficiently maintaind and the neceſsary Supplies granted for that effect and all keept in such order as may be most conduceing to the ease as well as safety of the Country.

WE also recommend to your care that trade be encouraged, and all methods taken for the advancement thereof either by amending former Laws or makeing new ones or any thing else may be found needfull and expedient for the benefite of the Kingdom.

IT hath been and ſhall alwayes be our chief ſtudy and endeavour to Establish and Secure the peace and promote the good of that our ancient Kingdom And therefore We do expect your concurrence and aſsistance for such good and great ends and that you will prosecute them with that wisdom prudence and unanimitie as may most tend to our common advantage and satisfaction; But chiefly that effectual means may be laid down for promoting of religion virtue and true piety and suppreſsing vice and immorality and provideing for the poor.

WE have appointed our right trusty and entirely beloved Cousin and Councellor James Duke of Queensberry to be our Commiſsioner to represent our royal perſon in this Seſsion of Parliament being well ſatisfied that the experience that both we and you have had of his great abilities and fidelity in his former diſcharge of this trust will fully commend our choise and render him to you acceptable.

THIS being your first Meeting and we haveing recommended nothing but what is for your own ſecurity and wellfare We confidently expect a suteable return, and a dutiful and cheerfull concurrence in what we propose; And that all differences and animosities laid aside you will with concord and diligence bring matters to such a happy conclusion as shall establish a lasting Union between us and our people So We bid you heartily farewell Given at our Court at S[t] James's the 30th day of March 1703, and of our Reign the second year.

By her Majestys Command
Sic subscribitur TARBAT

THE Lord high Commiſsioner made a Speech to the Parliament, and the Lord Chancellor another Both which Speeches with her Majesties Letter to the Estates were ordained to be printed. [Commiſsioner & Chancellors Speeches & the Queens Letter to be printed]

THEN the draught of an Act for recognizeing and aſserting her Majesties authority and her undoubted right and title to the Imperial Crown of this Kingdom was presented by his Grace the Duke of Hamilton and read, and ordained to be marked as read for the first time. [Anent recognizeing her Majesties authority]

AFTER which the Lord Chancellor by order of the Lord high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

MAY XI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Earls of Glencairn, Hume, Galloway, Kincardine, Kintoir, Aberdeen, Melvill and Marchmont, the Viscounts of Stormont, and Teviot, the Lords Forbes, Saltoun, Colvill, and Rollo, and Sir James Steuart her Majesties Advocat took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance. [Oaths taken]

SIR John Lauder of Fountainhall William Morison of Prestoungrange Duncan Forbes of Culloden Alexander Duff of Braco and the Laird of Broddie as Commiſsioners for Shires; David Chrystie M[r] James Melvill Robert Johnstoun William Cultrane, George Moncrief and Sir William Hamilton as Commiſsioners for Burrows in like manner took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

HER Majesties Gift and Commiſsion in favors of the Lord Boyle to be Lord Thesaurer Depute was read, and ordered to be recorded; Whereof the tenor follows.

ANNA Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nobis abunde sa- Commiſsion to David Lord Boyle to be Lord Thesaurer Depute

tisfactum sit de integritate et præclaris facultatibus fideliſsimi et prædilecti nostri Conciliarii Davidis Domini Boyle unde usquequaq, ſit idoneus pro exercendo munere et officio Thesaurarii nostri deputati infra antiquum Regnum nostrum Scotiæ Noveritis Igitur Nos Nominaſse Constituiſse et Ordinaſse tenoreq, præsentium Nominare Constituere et ordinare ipsum Davidem Dominum Boyle durante nostro beneplacito ſolummodo Thesaurarium nostrum deputatum in officiis Thesaurarii nostri Computorum Rotulatoris et Thesaurarii novarum nostrarum augmentationum et receptoris generalis dicti nostri antiqui Regni Cum plenaria potestate illi dicto munere et officio durante ſpatio antedicto fruendi et exercendi Cum omnibus honoribus libertatibus privilegiis immunitatibus præeminentiis proficuis et casualitatibus quibuscunq, eo spectantibus tam plene et libere in omnibus respectibus et conditionibus quam quivis alii ejus prædeceſsores in dicto officio functi et potiti ſunt seu quovis tempore præterito fungi et potiri poterant Speciatim vero absq, præjudicio generalitatis antedictæ locum et suffragium tanquam uni ex nostris Status officiariis in omnibus Nostris dicti regni parliamentis generalibus conciliis et conventibus habendi Ac Nos considerantes plenam potestatem et officium Thesaurarii nostri principalis nunc in Commiſsionem Thesaurarii versam eſse expreſse Igitur Declaramus et Ordinamus quod hæc præsens nostra donatio dicti officii Thesaurarii deputati dictæ Commiſsioni nequaquam derogari quæquidem in plena potestate et vigore remanebit et quod præfatus David Dominus Boyle tanquam unus ex nostris Commiſsionariis Nostri Thesaurarii exercebit Et per præsentes Nominamus et Constituimus ipsum unum ex Commiſsionariis Thesaurarii antedicti in loco Adami Cockburn de Ormistoun nuper Nostri Thesaurarii deputati in dicto regno tam plenarie et libere ad omnes intentus et proposita ac si in antedicta Commiſsione nominatus fuiſset quodquidem Declaramus sibi tanquam Thesaurario deputato in quibusvis privilegiis eo ſpectantibus nullo modo prejudicari si in posterum durante Continuatione præsentis Nostræ Commiſsionis nominatus fuerit Thesaurarius Principalis In cujus rei Testimonium præsentibus magnum Sigillum Nostrum appendi præcepimus Apud Aulam Nostram de Saint James's Secundo die mensis Januarii Anno Domini Millesimo septingentesimo tertio et anno Regni Nostri primo Per signaturam manu S. D. N. Reginæ suprasignatam Written to the great Seal and registrat the eight day of January 1703 Sic subscribitur Charles Kerr Sealed at Edinburgh the ninth day of January One thousand seven hundreth and three years by special order till the Seal be renewed Sic subscribitur Alex[r] Ogilvie.

[Orders of the Parliament House read]

THE Act for Settleing the orders of the Parliament house, read, And copies thereof Ordained to be affixed on the doors and other places according to custome.

[Election for Clackmannanshire]

THE consideration of these questions which related to contraverted elections was resumed And the double election for the ſhire of Clackmannan considered And both the Commiſsioners elected were allowed to see and interchange such writts and instructions as should be founded upon for either party and diligence allowed to Sir John Erskine against the Clerk of the election and others havers to be reported the day of May instant.

[Election for Haddingtounshire]

THE double election of Sir George Suttie of Balgoun and the Laird of Ormistoun younger for the ſhire of East Lothian was considered; And both ordained to produce and allowed to see all writs to be founded upon in the competition to be furder considered by the Parliament at the next meeting.

[Election for Berwickshire]

THE double elections of the several Commiſsioners for the ſhire of Berwick considered and their respective objections and answers with the writts to be founded on for instructing thereof Ordered to be given in and seen in the Clerks hands by the parties concerned against the next Sitting of Parliament and then either determined in plain Parliament or remitted to a Committee.

A WARRAND given to the Barons and freeholders of the ſhire of Selkirk to elect another Commiſsioner for that ſhire in place of Sir James Murray of Philiphaugh now promoted to be Lord Clerk Register and to meet for that effect on the day specified in the said Warrand Which is as follows.

Warrand to Elect a new Commiſsioner for the shire of Selkirk

HER Majesties high Commiſsioner and the Estates of Parliament Considering that Sir James Murray of Philiphaugh one of the Commiſsioners elected for the ſhire of Selkirk to this present Parliament is now promoted by the Queens Majestie to be Lord Clerk Register and one of her officers of State Therefore they hereby Ordain and Give Warrand to the freeholders of the said ſhire to meet and elect another of their number to be Commiſsioner to the effect foresaid at Selkirk the eighteenth day of May instant in the usual manner.

[Election for Lanerkshire]

THE double Election of the severall Commiſsioners for the ſhire of Lanerk considered And the Commiſsion from that ſhire in favors of the Lairds of Lamingtoun Jerveswood, Stevenson younger and Aikenhead unanimously sustained, And they took the oath of alleadgeance and oath of Parlia-

ment and subscribed the alleadgeance and aſsureance accordingly.

[Anent Protections] WARRANDS upon Petitions in order to the obtaining Protections granted for citeing the Creditors of Sir Archbald Cockburn elder of Langtoun William Cockburn now of Cockburn ſon to the deceased James Cockburn ſometime Goldsmith in Edinburgh and Patrick Steel vintner there.

THEN the Lord Chancellor by order of her Maᵗˢ high Commiſsioner Adjourned the Parliament till friday next at ten a clock.

MAY XIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Oaths taken] THE Lords Semple Elphinstoun Forrester and Bellenden, Sir John Houstoun of that Ilk, the Laird of Blackhall younger and Alexander Gordon of Gairthie Commiſsioners for ſhires took the oath of alleadgeance and oath of Parliamᵗ and subscribed the alleadgeance and aſsureance.

THE contraversie anent the Commiſsions of Sir Robert Sinclair of Longformacus and Sir John Home of Blackadder for the ſhire of Berwick being past from they took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance & aſsureance.

Mᴿ Robert Steuart of Tillicultry haveing chosen to represent the shire of Bute and Sir John Erskine of Alva to represent the Burgh of Burntisland rather than to insist upon their contraverted Commiſsions for the Shire of Clackmannan, both took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

Order for the Clerk Register's ſearching in the records how the Lairds of Cavers when formerly elected with Knights Baronet for the ſhire of Roxburgh were ranked in the Rolls. THE Laird of Cavers haveing insisted on his Protestation against the Lord Register and the Lord Lyon for altering the order in the return of the election for the ſhire of Roxburgh observed in this and former elections where the Lairds of Cavers were chosen: The Lord Clerk Register was ordained to search in the records of Parliament how the Lairds of Cavers when formerly elected with Knights Baronet to represent that ſhire were in use to be ranked in the rolls, and to report.

[Controverted Elections —Haddington] THE consideration of the contraverted election for the ſhire of Haddingtoun betwixt Sir George Suttie and the Laird of Ormistoun younger was of consent of parties continued to the first Sitting of Parliament next week.

[Berwickshire] THE consideration of the double elections for the ſhire of Berwick Continued of consent to the ſame day.

[Dumfriesshire] MOVED that the objections made against the Elections for the ſhire of Dumfreis might be considered and in regaird neither the objectors nor any haveing their mandat were present to insist, the consideration thereof was let fall.

[Shires of Air and Dumbartoun] THE consideration of the Contraverted elections for the ſhires of Air and Dumbartoun Continued and all parties appointed to produce their ſeveral Writs for instructing or answering the reſpective objections against the first ſitting of Parliament next week that the Parliament might then determine With Certification if they produced not that no farder time ſhould be allowed for produceing thereof.

[Renfrewshire] THE Contraverted election for the ſhire of Renfrew in favors of the Laird of Pollock of that Ilk and the Laird of Orbiestoun younger with the several Objections against these freeholders who voted for either party being considered, the Objection against Houstoun elder of Johnstoun was sustained there being nothing produced to instruct his freehold Then the Objection against the Toun of Paisley (that being a Burgh of Barony howbeit infeft and in poſseſsion of a freehold yet since no Burgeſs could be delegat for that end therefore the incorporation could have no vote in the election of Barons) was considered And the house haveing acquiesced to sustain the vote the Objection was past from by the party and allowed to be withdrawn; After which the Objections againſt Semple of Cathcart and some others who had voted for Orbiestoun younger being Sustained the Commiſsion in favors of the Laird of Pollock was preferred and accordingly he took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

[Shires of Linlithgow & Orkney] THE competeing Commiſsioners for the respective ſhires of Linlithgow & Orkney were ordained to produce and interchange such writs as they were to found upon in their several competitions to be seen by either party concerned in order to the determineing thereof the first Sitting of Parliament next week, With certification if they failzied no farder time ſhould be allowed them &c.

[Shire of Caithneſs] JAMES Sinclair of Stempster one of the Commiſsioners for the Shire of Caithneſs was ordained to instruct his haveing right to vote in the election of Commiſsioners to the Parliament from

that ſhire againſt the ſame day With the like certification.

THE Protestation against the election of the Laird of Strahendrie for the ſhire of Fyfe and grounds thereof being considered, his election was found null as being made without the previous intimation at the head burgh of the ſhire required by law, and accordingly his name was ordained to be left out of the roll, And a warrand granted to the freeholders of that ſhire to meet for a new election on Tuesday the twenty fifth of this moneth in manner following.

Warrand for a new Election of a Commiſsioner for the ſhire of Fyfe

HER Majesties high Commiſsioner and the Estates of Parliament considering that the Commiſsion formerly granted by the Barons and Freeholders of the ſhire of Fyfe to Robert Douglaſs of Strahendrie for representing them in this Parliament is now by the Parliament Declared null Have therefore Granted and do hereby Grant Warrand and order to the Sheriff principal of the said ſhire and his deputes to call and conveen the Barons and Freeholders of the said ſhire together at the usual place of their meeting on the twenty fifth day of May instant to the effect they may of new make choise of one to represent them with their other three Commiſsioners in this present Parliament To which they are hereby impowered, And ordains intimation in the usual manner to be made hereof.

[Elections for Haddingtoun Kirkcaldie &c.]

THE competeing Commiſsioners from the Burghs of Haddingtoun Kirkcaldie Aberbrothock and Dornock, Ordained to inform anent their several cases And to produce their respective instructions to be considered the first Sitting of Parliament next week; With certification that no furder time ſhall be allowed for doing thereof.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

MAY XV, M,DCC,III.

PRAYERS said The Rolls called.

THE Lord Advocat Protested for the Lord Register and himselfe that the calling of the Lord Thesaurer Depute in the Rolls before the Register and him, with regaird to his being a Peer might not prejudge them of their just rank and precedencie.

THE Minuts of the last Sederunt read.

Order for the Lord Semple's signeing the formula &c.

THE Formula subjoined to the Act of Parliament in November I^{m} vij^{c} for preventing the grouth of Popery as it was Subscribed by the Lord Semple and Attested by the Earl of Eglintoun and her Majesties Advocat two of the Lords of her Majesties Privy Council being read; The Lord Semple was Ordained to take and subscribe it again in Parliam^{t} and he took and subscribed it accordingly.

[Act for recognizeing her Majesties authority]

IT being moved that the Act presented by the Duke of Hamilton for recognizeing and aſserting her Majesties authority might have a second reading; Her Majesties Advocat offered to the consideration of the Parliament an additional clause to the Statutory part of the Act viz. That it should be treason to quarrell her Majesties right and title to the Crown or her exercise of the Government from her actual entry to the ſame; And after reasoning upon the addition the vote was stated Proceed or Delay the consideration of the amendment and carried Proceed.

IT was thereafter Moved that in place of these words proposed by her Majesties Advocat the following words might be added viz. That it should be treason to quarrell her Majesties right and title to the Crown or her being in the exercise of the Government thereof conform to the Claim of Right; And thereupon the vote stated Whither the first or second clause ſhould be added, it Carried that the first ſhould be added, And then the Act with the first additional clause was put to the vote and approven.

[Earl of Home against Sir Patrick Home]

THE Desire of a Petition for the Earl of Home Craveing a warrand to cite Sir Patrick Home Advocat to Compear before the Parliament for discuſsing a Protestation for remede of Law taken upon his obtaining a Decreet of the Lords of Council & Seſsion against the said Sir Patrick was granted.

[Anent Protections]

WARRANDS on Petitions in order to the obtaining Protections granted for citeing the Creditors of Mr William Gordon of Balcomie advocat and Mr John Buchan Clerk to the high Commiſsion for valuation of teinds &c.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

MAY XIX, M,DCC,III.

PRAYERS said The Rolls called.

THE Lord Rae and Mr John Pringle of Hayning Commiſsioner for the ſhire of Selkirk in place of Sir James Murray of Philiphaugh now Lord Register took the oath of alleadgeance and oath of

Parliament and subscribed the alleadgeance and aſsureance.

THE Minuts of the last Sederunt read.

THE Act recognizeing her Majesties authority was touched with the Scepter by the Lord Commiſsioner in the usual forme, Of which Act the tenor follows.

ACT Aſserting and Recognizeing her Majesties Authority.

1 THE Estates of Parliament Considering that by the death of the late King William of ever glorious memory the Crown and Royal dignity of this Kingdom is by right devolved upon Queen Anne Our present Gracious Sovereign conform to the Declaration of the Estates of this Kingdom Therefore the Estates of Parliament for themselves and in name and behalf of the haill Subjects of this Kingdom Aſsert Recognize and Acknowledge her Majesties undoubted right and title to the Imperial Crown of this Kingdom, And her Majestie with advice and consent of the said Estates of Parliament doth Statute and Declare that it is and ſhall be high treason in any of the Subjects of this Kingdom to disown quarrell or impugne her Majesties right and title to the Crown of this Kingdom or her exercise of the Government thereof from her actual entry to the same.

[Anent a Supply &c.] THE Earl of Home presented the draught of an Act and offer of a Supply to her Majestie for the ends therein contained.

[Overture by M. of Tweedale] THE Marqueſs of Tweeddale presented an Overture for a resolve of Parliament that before all other busineſs the Parliament might proceed to make such conditions of government and regulations in the constitution of this Kingdom to take place after the decease of her Majestie and the heirs of her body as ſhall be neceſsary for the preservation of our religion and liberty; Both which papers were read in order as they were presented and ordered to ly on the table.

[Election for Hadingtonshire] THE consideration of the Contraverted Elections for the Shire of East Lothian betwixt Sir George Suttie and the Laird of Ormistoun younger was resumed and the objection against Home of Gemelſhiells who had voted for Sir George that his retour did not bear his lands extended to the twenty merks of old extent mentioned therein as distinct from the feu duty in the reddendo conform to the Act of Parliament I^co vj^ce and eighty one was sustained. The objection against Cant of Dryburnfoord another of these who voted for Sir George was past from, And the objection againſt Ogle of Popilhall (that howbeit his writs contain a ten pound Land yet he has not right to such a part thereof as effeirs to a fourty ſhilling land within the ſhire of Eaſt Lothian with the answer to it viz. That unleſs it were proven he was denuded thereof or that so much of his Lands lay in the Shire of Berwick as leaves not such a proportion thereof in East Lothian as effeirs to a fourty ſhilling land he ought still to have his vote) being considered, The party objected againſt was called and he affirming that he had still remaining within the ſhire of East Lothian more of the ten pound land in the retour produced for him than effeirs to the fourty ſhilling land: There was a conjunct probation allowed to either party anent Popilhall's haveing still in his poſseſsion within the ſhire of East Lothian a fifth part of the ten pound land contained in the retour produced according to the several proportions thereof lying in both ſhires and diligence granted for that effect against the first sitting of Parliament next week with certification that no furder time ſhould be allowed: Then the objection againſt Hepburn of Beinstouns vote with the answer made thereto being considered After ſome reaſoning thereupon the vote was stated Proceed to determine or Remit to a new election; and it carried Proceed: After which the vote was again ſtated Sustain the objection or No, and carried No.

A PETITION for the Lord Roſs presented and ordained to be read the next Sitting of Parliament. [Lord Roſs]

THE Lord Chancellor by order of her Ma^ts high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

MAY XXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Patent given by King James the Seventh in favors of Charles Earl of Dunmoir for the title and dignity of an Earl &c. was read and ordered to be recorded Whereof the tenor follows.

JACOBUS Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fideiq; defensor Omnibus probis hominibus suis ad quos præsentes literæ pervenerint Salutem Quandoquidem Nos ex serena et seria Nostra animadversione perpendntes magna illa et eximia et fida ministeria perplurima Nobis et chariſsimo ac sereniſsimo nostro fratri Carolo Secundo memoriæ beatiſsimæ præstita per fideliſsimum et dilectiſsimum nostrum Dominum Carolum Murray filium legitimum natu secundum fideliſsimi et The Earl of Dunmore's Patent

apprime dilecti Nostri Consanguinei et Conciliarii Joannis Atholiæ Marchionis Secreti Nostri Sigilli antiquioris hujus nostri Regni Custodis Quin etiam egregia et grata admodum officia ab ipso charifsimæ nostræ conjugi tanquam sui stabuli Magistro indies expleta Nosq, adeo in memoriam revocantes fidelitatem peramplam merita etiam eximia nobilifsimarum et antiquifsimarum familiarum unde immediate est oriundus gravia etiam earum damna et offensiones iis justis diadematis nostri prærogativis firmiter adhærentibus eoq, nomine inflictas Ob prædictas itaq, et multas alias res et rationes satis momentosas ex summa augusta et ferena nostra gratia singularem et duraturam Regii Nostri favoris et munificientiæ illustrem quandam notam in ipsum ejusq, familiam conferre Statuimus ut scilicet sibi suisq, posteris in officio suo et erga nos Regiosq, Nostros Succefsores fidelitate continuare fummum fiat incitamentum Utq, etiam ad obeunda munera et exornandas provincias in diadematis nostri ministerio ipsis committendas validiores omnino reddantur Noveritis Igitur Nos Nominafse Feciſse Constituifse et Creafse sicut et per has Nostras patentes literas Nominamus Facimus Constituimus et Creamus dictum nostrum fideliſsimum et dilectiſsimum Dominum Carolum Murray Comitem Vicecomitem et liberum Parliamenti Dominum Baronem Comitem de Dunmore Vicecomitem de Fincastle et Dominum Murray de Blair Moulin et Tillimet in dicto Regno nostro Scotiæ Nominandum et Appellandum Damus porro Concedimus et Conferimus in præfatum Dominum Carolum Murray et heredes masculos de ejus corpore in perpetuum titulum dignitatem gradum et honorem Comitis Vicecomitis et liberi Parliamenti Domini ut antedicitur Cum uberrima ipsi ejusq, antedictis potestate iisdem fruendi et gaudendi Cum universis et singulis prærogativis præcedentiis præeminentiis privilegiis libertatibus et immunitatibus quibuscunq, eo attinentibus et spectantibus quibuscum antedictum Dominum Carolum Murray ejusq, prædictos fpeciatim vero cum libero in Parliamento Suffragio per præsentes has nostras literas Nobilitamus et Inauguramus Tenendum et omnino Habendum supradictum titulum dignitatem gradum et honorem Comitis Vicecomitis et liberi Parliamenti Domini Cum omnibus et singulis prærogativis precedentiis præeminentiis privilegiis libertatibus immunitatibus aliisq, quibuscunq, eo spectantibus per antedictum Dominum Carolum Murray ejusq, antedict de nobis nostrisq, Succefsoribus in omnibus Parliamentis Ordinum Conventibus Conciliis Generalibus aliisq, dicti nostri Conventibus quibuscunq, publicis seu privatis tam plene adeoq, libere in quovis respectu et conditione quam quilibet alius Comes Vicecomes et liberi Parliamenti Dominus eundem titulum dignitatem gradum et honorem posidebat et gaudebat seu tempore quolibet retroacto præsenti seu futuro posidere et gaudere poterit Leoni Porro Armorum Regi ejusq, fratribus fæcialibus prænominato Domino Carolo Murray (nunc Comiti de Dunmore &c.) tale additamentum priori suo paludamento et insigniis armoreis quod sibi et iis congruum fore videbitur et secundum consuetudinem simili occasione observatam dare et præscribere imperamus Ordinamus deniq, et Declaramus has nostras literas patentes magno nostro sigillo munitas ejusdem fore valoris antedicto Domino Carolo Murray (nunc Comiti de Dunmore &c.) ejusq, supradictis pro posidendo titulo dignitate gradu et honore Comitis Vicecomitis et liberi Parliamenti Domini antedicto Cum universis privilegiis aliisq, quibuscunq, eo attinentibus ac si cum solennitatibus et cæremoniis simili occasione antiquitus usitatis nobilitati et inaugurati fuiſsent Quocirca pro nobis nostrisq, succefsoribus in perpetuum Dispensamus In cujus rei testimonium præsentibus magnum Sigillum nostrum appendi Mandavimus Apud Castrum nostrum de Windsore Decimo sexto die mensis Augusti Anno Domini Millesimo sexcentesimo octogesimo sexto et anno Regni nostri secundo Per signaturam manu S. D. N. Regis suprascriptam. Written to the great Seal and registrat the nineteenth day of November 1686, Sic subscribitur Jo: Grahame dpt. Sealed at Edinburgh the twenty fourth day of November 1686 Sic subscribitur Tho: Gordone.

THE said Earl of Dunmore took the oath of alleadgeance to her Majestie and oath of Parliament and subscribed the Alleadgeance and Asureance.

THE Minuts of the last Sederunt read.

[Laird of Pourie agt Lord Gray]

ORDERED that the action upon the Protestation for remeed of law taken by the Laird of Pourie against the Lord Gray be heard first of privat busineſs.

[Election for Hadingtonshire]

MOVED that Sir George Suttie might adminiculat his Commiſsion by proveing that the Laird of Beinstoun truely voted for him at his election notwithstanding of what is contained in the last minuts relateing to that objection; Whereupon he was allowed a diligence for adduceing his witneſses to that effect againſt the first Sitting of Parliament next week.

THE Petition for the Lord Roſs anent the altering of the common road about his house in the countrey in favors of his parking and policy was read and granted, and a new way appointed to be made at sight of the Commiſsioners of Supply for that Shire in manner following.

Act in favors of the Lord Roſs.

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of William Lord Roſs humbly Shewing unto them that

there being several Acts of Parliament Ordaining every heretor liferenter and wadsetter within the Kingdom to park ditch and inclose ground and to plant the same about with trees In obedience to which Acts of Parliament and for Encouragement of others to do the like the Petitioner has imparked diked ditched & hedged a considerable piece of ground in and about his house of Halkhead: And albeit there be but seven or eight common tennents families that were in use to go that way yet since the building and planting of the Petitioners parks several others take occasion to do the like and to go through the very clofs of the Petitioners houfe of Halkhead to the utter ruine and destruction of his parks planting and policie And it being impofsible to preserve the dikes hedges and planting without the road and way leading through the Petitioners parks and outter clofs of his house of Halkhead be changed and turned about the park dikes where the leidges who fhall have occasion to travell that way will have as near and commodious a way to kirk and mercat as they formerly had the other way And seeing that by the turning of the said way about the parks the Petitioners planting may be preserved and that the Parliament has formerly granted an Act of the same tenor and nature in favors of the Laird of Hopetoun And Therefore Craveing His Grace and the Estates of Parliament to Grant an Act in the Petitioners favors allowing him to Stop the former way that leads through his parks and clofs And to ordain the leidges that have occasion to travell that way to go about the Petitioners parks that thereby his planting and policie may not be damnified nor prejudged as the said Petition bears Which Petition her Majesties high Commifsioner and the Estates of Parliament haveing this day considered They allowed and hereby allow the said Petitioner to stop the former way through his parks and clofs And have Ordained and hereby Ordain the leidges that have occasion to travell that way to go about the Petitioners parks by the way to be appointed in manner aftermentioned that thereby his planting and policy may not be damnified nor prejudged And Ordained and hereby Ordains the said new way about the said parks to be made at the sight of the Commifsioners of the Supply for the fhire of Renfrew.

[Public Accounts] A PETITION for Adam Cockburn of Ormistoun late Thesaurer depute Craveing that his Grace and the Estates of Parliament may lay down such rules for inquireing into the Management of the funds imposed by Acts of Parliament as he may hope to see these accounts discharged in his own time, read and ordered to ly upon the table.

A MOTION made by the Marquefs of Athol Lord Privy Seal that the Accounts of all fonds given by Parliament dureing the laft Reign and how the same were applyed be laid before the Parliament or any Committie or Commifsion thereof to examine and report was agreed to and ordered to be insert in the Minuts.

A REPRESENTATION for Sir George Suttie relateing to the vote of Home of Gemmilshiells was read and rejected. [Shire of Hadington]

A WARRAND granted for citeing the Creditors of Major Alexander Stevenson in order to his obtaining a Protection. [Major Alex^{r} Stevenson]

THE like Warrand granted in favors of Robert Hamilton eldest son to William Hamilton of Wishaw, and Captain Alexander Cockburn fecond son to Sir Archbald Cockburn of Langtoun. [Robert Hamilton & Capt Alex^{r} Cockburn]

THE consideration of the elections yet in contraversie for the shire of Berwick resumed, but afterwards at the desire of the parties continued till next Sitting of Parliament. [Contraverted Elections —Berwick]

THE consideration of the contraverted elections betwixt Sir Alexander Home of Castlemains, the Laird of Kilbirnie and Sir William Cunninghame of Cunninghamehead for the fhire of Air was resumed and the objection against Reid of Merkland that he was not qualified to vote in the terms of the Act 1681 was Sustained in regaird there was nothing produced to instruct his freehold. The objection against Doctor Dickson that he was husband to a liferenter and not to an heirefs was insisted in, And after reasoning the vote was stated Sustain the objection or No and carried Sustain. The objection against Cathcart of Gainoch was repelled The objection againft Mitchell of Daldilling that he had not subscribed the afsureance was Sustained, The objection against Mackgown of Nether Sinrestoun was repelled that he having removed after he was qualified he returned not to give his vote untill the plurality was declared. Then the objection against Cunninghame of Robertland founded on his haveing a protection was Sustained; And thereupon Kilbirnie being found to have the plurality of legal votes was preferred and admitted and took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and afsurcance. [Airshire]

THE consideration of the contraverted Elections betwixt the Lairds of Kilmaronock and Lufs on the one part and Mr James Campbell of Portkill and George Napeir of Kilmahew on the other was resumed And the objection against Kilmahew that he is not apparent heir by virtue of his predecef- [Renfrewshire]

sors infeftment but by virtue of a bond of tailgie whereon no infeftment followed and his grandmother in poſſeſſion was sustained; The objection against Campbell of Carrick younger and James Grant of Pluscarden that the first was not present and the last not infeft were sustained The objection againſt Campbell of Rachean that he was neither infeft himselfe nor appearand heir to any who was infeft was sustained in regaird there was no sufficient production made for instructing his predeceſsors right in the terms of law; The objection againſt Gartshoar of that Ilk that he was *only* apparent heir and not in poſſeſſion as *such* but administrator to his son haveing right by a disposition from the grandfather who had been infeft was repelled as not instructed; And thereupon the Lairds of Kilmarronock and Luſs were admitted as duely elected and took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

MAY XXIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

Allowance to Sir Thomas Wallace to qualifie himselfe

A PETITION for Sir Thomas Wallace of Craigie, Craveing he might be allowed by takeing the oath of alleadgeance and ſubscribeing the ſame with the aſsureance to qualifie himselfe for his imployment as an Advocat Read and granted, and he allowed to qualifie himselfe before the Lords of Seſsion.

[Election for Hadingtonshire]

SIR George Broun of Colstoun Sir Peter Wedderburn of Gosfoord and John Hay of Lethem witneſses adduced for adminiculating the Commiſsion from the ſhire of East Lothian in favors of Sir George Suttie of Balgoun were called to prove that William Hepburn of Beinstoun truely voted as he had ſubscribed to the said Commiſsion and gave their oaths thereanent in presence of Parliament: Upon adviſeing whereof the vote was stated If Sir George Suttie had by the testimonies adduced Adminiculated his Commiſsion by proveing that Beanstoun truly voted for him at his election Yea or No, and carried No.

MOVED that the probation adduced to instruct that Ogle of Popillhall had still in the ſhire of East Lothian a fifth part of the ten pound land contained in his retour might be advised And thereupon the vote stated If in this caſe the probation ſhould be allowed by the real rent Yea, or No, and carried No.

A PETITION for Sir George Suttie founded upon new Documents relateing to Gemmilshiells haveing right to vote at his election read, But the matter represented therein not being instructed, the Electors for the Laird of Ormiestoun younger were found of equal number to such as were duely qualified of those who had elected Sir George Suttie, And thereupon a Warrand ordered for a new election of a fourth Commiſsioner for East Lothian, And the freeholders appointed to meet for that end on Tuesday the first of June next in manner following.

Warrand for Electing a new Commiſsioner for the ſhire of Haddingtoun

HER Majesties high Commiſsioner and the Estates of Parliament in respect that the contraverted Commiſsions granted by the Barons and freeholders of the ſhire of Haddington one thereof to Sir George Suttie of Balgoun and the other to John Cockburn younger of Ormistoun for representing them in this present Parliament as one of their four Commiſsioners are now after diſcuſsing the objections made againſt the said Commiſsions and the Subscribers thereof found both to be Subscribed by an equal number of the Barons and freeholders of the said ſhire haveing power by the Act of Parliament to vote at the said Election Do therefore Grant Order and Warrand to the ſherif principal of the said ſhire and his deputes to call and conveen together the Barons and freeholders thereof at the ordinar place of their meeting upon Tuesday the first day of June next to the effect they may of new chose and elect one to represent them with their other three Commiſsioners to this said Parliament. Which they are hereby Warranded and Ordered to do, and Ordains intimation hereof to be made in the usual manner.

[Election for Dumfriesshire]

THE Instrument and Protestation taken by Sir Thomas Kilpatrick of Closburn and his ſon against the elections for the shire of Dumfreis was read And after hearing the parties upon the objections contained therein and the answers they were allowed to be withdrawn.

THE Lord Chancellor by order of her Ma^ts high Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

MAY XXVI, M,DCC,III.

PRAYERS said The Rolls called.

ROBERT Douglaſs of Strahendry being duely elected Commiſsioner for the ſhire of Fyfe took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

THE Minuts of the last Sederunt read.

Order concerning the manner of voteing in Parliam^t

ORDERED that when the rolls are called for a vote of Parliament all the Members Stand upright in their places and give their votes audibly And that none presume to answer for another.

[Anent the Supply]

MOVED that the Act for the Supply be considered in order to a first reading.

[Order of procedure]

MOVED that the remaining contraverted elections might be determined for the more full representation of the Estates before any farder procedure in the Supply.

MOVED that the overture given in by the Marqueſs of Tweddale for a resolve to make these conditions of government and regulations in the constitution of the Kingdom to take effect after the decease of her Majestie and the heirs of her body which might be neceſsary for securing religion and liberty be taken to consideration as being neceſsary and of greater import to the Nation than any other matter now lying before the Parliament: And the state of a vote thereafter offered in these terms viz. Proceed to the reading an Act for a Supply or to the makeing an Act or Acts for Secureing our religion liberty and trade before all other buſineſs: And after long debate on these several motions and ſtate of the vote succeſsively the debate was delayed of consent to the next Sitting of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till friday next at ten a clock.

MAY XXVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Election for Berwick-shire]

SIR Patrick Home and Sir John Swintoun desireing to be admitted Commiſsioners for the shire of Berwick since the contraversie anent their election was agreed There was a petition read for Simon Marjoribanks of Dedrigs and several Freeholders of that Shire Craveing they might not be received because such agreements could not prejudge the priviledge of the Freeholders who had a right to choose a new Commiſsioner when their votes came to be found equal in any election or that any Commiſsion became void as had happened in this case by the Laird of Jerviswoods accepting another Commiſsion for the ſhire of Lanerk though he had more votes than both these Commiſsioners at his election for the ſhire of Berwick, Upon adviseing of which petition the vote being stated Admit both these Commiſsioners or No, it Carried that both should be admitted and they took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance and aſsureance.

Allowance to Mr Rodger Hepburn for qualifieing himselfe.

A PETITION by Mr Rodger Hepburn craveing he might be allowed to take the oath of Alleadgeance and Aſsureance for exerceing his imployment as an Advocat Granted and he allowed to Swear and Subscribe the ſame before the Lords of Seſsion.

[Disbanded Officers]

A PETITION for the diſbanded officers relating to their Arrears and Subsiſtance read and appointed to be brought in and considered the first Sitting of Parliam^t next week.

THE former dayes debate was resumed.

[Order of procedure]

RESOLVED that the Parliament will proceed to make such Acts as are neceſsary or fit for secureing our religion liberty and trade before any act for Supply or any other buſineſs whatsoever.

[Draughts of Acts read]

THE draught of an Act for Security of the Kingdom was read And the draughts of the several Acts following were presented and read viz. An Act Ratifieing the first Act of the first Seſsion of the last Parliament and of new enacting and declaring that all Acts past in the several Seſsions thereof be obeyed as Laws, An Act ordaining that after the decease of her Majesty and heirs of her body all offices civil or military in this Kingdom formerly conferred by our Kings ſhall ever after be given by the Parliament by way of ballot. An Act declaring that after the death of her present Majestie and failzieing heirs of her body no person comeing to the Crown of Scotland being at the ſame time King or Queen of England ſhall as King or Queen of Scotland have power to make peace or war without consent of Parliament, An Act allowing the importation of all sorts of wines and other forreign liquors, An Act for Secureing the true Protestant Religion and Presbiterian Government; All which were ordered to ly on the table.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE 1, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Order that the Clerks of Thesaury prepare & state an Account of the funds and Arrears &c.

THE Petition of the disbanded officers delayed untill the Act for Supply come to be farder considered, And in the mean time the Clerk of the Thesaury ordered to prepare and state an account of the funds and of the arrears due to the several Regiments to which the officers belonged.

[Anent Toleration to all Protestants]

THE draught of an Act for a tolleration to all Protestants in the exercise of Religious worship, read.

A REPRESENTATION by the Commiſsion of the late General Aſsembly against the tolleration, read.

[Draughts of Acts read]

THE draught of the following Acts were then given in and read viz. An Act in favors of the Royal Burrows, An Act allowing the exportation of mort lamb Skins, An Act continueing the prohibition of exporting Engliſh or Iriſh wool to the next Seſsion of Parliament An Act anent the measureing and sealing of woollen and linnen cloath, An Act anent a triennial Parliament An Act Incapacitating persons haveing pensions not annexed to offices, All officers in the Army and these imployed in the customes to have votes as Members of Parliament in imposeing of publict burdens, An Act in favors of the Company tradeing to Africa and the Indies, An Act anent Leesing Makers and Slanderers and an Act for delivering of Meal by weight; All which were ordered to ly on the table.

[Election for Hadingtonshire]

JOHN Cockburn of Ormistoun younger being elected Commiſsioner for the ſhire of East Lothian took the oath of alleadgeance and oath of Parliament and subscribed the Alleadgeance and Aſsureance.

[Order of procedure]

MOVED that the Act for Security of the Kingdom be considered in order to the first reading.

MOVED that the Act for Securing the true Protestant Religion and Presbiterian Government be first considered

MOVED that the Act for ratifieing the first Act of the Parliament 1689 turning the Meeting of the Estates into a Parliament be considered before any other.

MOVED that before any procedure in the consideration of these Acts the remaining contraverted elections be determined for the fuller constitution of the Parliament And thereupon the vote being stated Proceed to consider the Acts or to determine the elections; It carried that the Acts ſhould be considered.

THE Act for Secureing the true Protestant Religion and Presbiterian Government read and ordered to be marked a first reading.

THEN the vote was stated Whither the Act for Security of the Kingdom which was first read or the Act for ratifieing the first Act of the Parliament 1689 which was next read ſhould be first considered, And it carried that the first read ſhould be first considered.

THE Act for Security of the Kingdom read, and ordered to be printed.

THE draught of an Act for Adjourning the Session read and the vote being stated, Mark a first reading or No, it carried No.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE III, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Petitions read]

PETITION for Thomas Viscount of Teviot relating to the cloathing money and arrears of his Royal regiment of Dragouns read and delayed untill the Act for the Supply be farder considered.

PETITION for Patrick Stiel vintner, read.

PETITION for the Magistrats of Lanerk relating to their bridge built over Clyde near that Burgh, read.

PETITION for Major Alexander Stevenson, read.

THE first day the Parliament ſhall sit after the next week appointed for takeing all these Petitions and other privat buſineſs to consideration.

[Laird of Clackmannan]

A WARRAND granted for citeing the Creditors of the Laird of Clackmannan in order to his obtaining protection.

[Bailable crimes] THE draught of an Act defineing what crimes are bailable given in and read and ordered to ly on the table.

[Protestant Religion] THE Act for Secureing the Protestant Religion and Presbiterian Government being again read, the first part of it for Security of the Protestant Religion was unanimously acquiesced in without a vote and the last part anent Presbiterian Government being considered there was an exception added of the allowance given to Ministers qualified in the terms of the twenty seventh Act of the fifth Seſsion of King William's Parliament, And then the whole Act put to the vote and approven.

[Act for Tolleration] THE Act for the Tolleration being again read It was moved that her Majesties Letter to the Privy Council anent the Preachers of the Episcopal persuasion might be laid before the Parliament And the said Letter being accordingly brought in and read was immediatly returned to the Clerk of the Privy Council.

[Act for Security of the Kingdom] THE Act for Security of the Kingdom read again and ordered to be marked a first reading but not to paſs untill it be twice read and considered.

[Several Acts read] THE Act for Ratifieing the Act of Parliament 1689 turning the Meeting of the Estates into a Parliament read and ordered to be marked a first reading. Then the several Acts anent the conferring of offices, the makeing of peace and war, and the importation of Wines &c. were read, and these three Acts ordered to be printed.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

JUNE VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act ratifying the 1st Act of K. William & Q. Mary] THE Act for Ratifieing the first Act of the Parliament of King William and Queen Mary read for the second time And the first part of it Approveing the turning of the Meeting of the Estates into a Parliament acquiesced in And after ſome debate on the last part declaring that it ſhall be treason to impugne or endeavour by writing malicious and advised ſpeaking or other open act or deed to alter the Claim of Right; The vote was stated Proceed or Delay and carried Proceed: Then that part of the Act being read again the vote was stated Approve the Act or not and carried Approve.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

JUNE IX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Draught of an act enjoyning the Aſsurance given in and read. [Aſsureance]

THE draught of an act against the imposeing of any other oaths and declarations than these already imposed by law given in and read. [Act against Imposing of other oaths]

MOVED that the remaining contraverted elections be determined or a day appointed for that end and the next day the Parliament ſhall sit appointed to consider the same accordingly.

RESOLVED that the Committee for inspecting the publict accounts be named immediatly after discuſsing the elections. [Public Accounts]

MOVED that the Petition given in by the Laird of Moristoun might be read, And thereupon ordered that Sir James Cockburn be cited by getting a full copy of the Petition with the report to which it referrs to Compear and be ready to answer the first Sitting of Parliament next week. [Laird of Moristoun]

SIR David Dalrymple allowed upon the Petition of Doctor George Oswald to plead for the Doctor against the granting protection to Mr John Buchan. Allowance for Sr David Dalrymple to plead for Doctor Oswald agt Mr John Buchan

THE draught of an act in favors of the Burgh of Elgine toward the compleating of their harbour at the mouth of the River of Loſsay, read and ordered to ly on the table. [Burgh of Elgin]

THE Act for Security of the Kingdom read and considered. [Act for Security]

THE Draught of an Act for rescinding the second act of the third Parliament of King Charles the second read and after reasoning thereon the vote was Stated If the Act ſhould be marked a first reading or ſhould ly on the table, and Carried that it ſhould ly on the table.

THEN the consideration of the Act for Security was resumed And after reasoning on some clauses thereof the farder consideration of the Act was continued to the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner, Adjourned the Parliament till friday next at ten a clock.

JUNE XI, M,DCC,III.

PRAYERS said The Rolls called.

The Laird of Meldrum ſignes the formula

MOVED that the Laird of Meldrum might be admitted Commiſsioner for the Burgh of Dornoch since the competeing Commiſsioner had withdrawn his Commiſsion And after ſome debate anent the admitting him It was agreed that whatever might be legally objected against him by a party haveing interest ſhould be received at any time even after his admiſsion and the vote ſtated Admit in these terms or not carried Admit; It was then moved that he being once Papist might take the formula subjoyned to the Act for preventing the grouth of Popery which he did Desireing it might be insert in the minuts that he owned his being Protestant several years before that Act, And thereafter took the oath of alleadgeance and oath of Parliament and subscribed the said formula with the alleadgeance and aſsureance.

THE Minuts of the last Sederunt read.

[Marquis of Douglas ag^{t} Earl of Forfar]

PETITION for Archbald Marqueſs of Douglaſs Craveing a warrand for citeing the Earl of Forfar to insist upon his Protestation for remeed of Law against him read, And at the Earls request allowed to be seen and answered the next Sitting of Parliament.

[Order of procedure]

AGREED that an overture for an act in favors of the Toun of Glasgow, a Petition by the delegats of the woollen and silk manufactories, and an overture for an act in favors of the ſhire of Caithneſs be all considered the first Sitting of Parliament for privat buſineſs.

Allowance for the Lord Advocat Sr Gilbert Elliot and Sr David Cunninghame to plead for Moriſtoun ag^{t} Sr James Cockburn

MOVED that the Petition of the Laird of Moriſtoun be granted Desireing that her Majesties Advocat Sir Gilbert Elliot and Sir David Cunninghame albeit members of Parliament may be allowed to plead his cause against Sir James Cockburn and these advocats allowed to plead for him accordingly.

[Anna Cockburn]

PETITION for Anna Cockburn for makeing up the tenor of burnt Writs, read And agreed that the report of her cause be received and considered the first Sederunt of Parliament for privat buſineſs.

[Contraverted Election for Shire of West Lothian]

THE contraverted election betwixt Lieutennent General Ramsay of Cariden and Thomas Sharp of Houstoun for the ſhire of West Lothian called And the objection against Houstoun's electors being first insisted in, he past from the votes of John Mackfarlin, Alexander Glen, the Laird of Balcaskie younger and John Hamilton of Pumpherstoun: It was objected againſt Mr James Hamilton of Bangour That his Ladies freehold extended to no more than a thirty ſhilling land of old extent ſhe being one of two heirs portioners to a brother who though he was once infeft in a five pound land was afterwards denuded of a fourty ſhilling land So that the Lady had right to no more than the equal halfe of the remaining three pound land. Secundo The Lady not being infeft could not as apparent heir give right to her husband to vote as a freeholder; To which it being answered that the denudeing the brother of fourty ſhilling of his five pound land was not objected at the election and therefore is not now receiveable in Parliament, Secundo The general terms of the Act I^{m} vj^{c} and eighty one years gave the right of election to the husband of an apparent heir as well as to that of a freeholder infeft; The vote was stated Sustain these objections or No and carried Sustain. It was objected against Robert Johnstoun of Straitoun that he was only apparent heir to an annual renter and not a proprietor And it being answered that his father stood infeft in a freehold in the terms of the Act 1681: It was replyed that his charter produced instructed not a fourty ſhilling land of old extent: And duplyed that it contained a third part of a land which was instructed by an older charter produced to be of yearly extent Twenty four pound and a merk land which ought to be presumed to be of old extent; The vote was thereupon stated Sustain or Repell the objection and carried Repell. It was then objected against John Hamilton of Grange that not being infeft he could have no vote as appearand heir to his father because there were children of his elder brother, Secundo tho his Jus apparentiæ were not questioned he was not in poſseſsion without which his apparency gave him no right of election; And it being answered that his brothers children were declared ſpurious by decreet of the Judge competent and that he truely was in poſseſsion; It was replyed that he could not poſseſs as heir to the freeholder laſt infeft his father being denuded by adjudication in the year I^{m} vj^{c} and ſeventy one And the legal now long since expired The rents were Sequestrat by decreet of the Lords in the hands of a factor for the behoove of the ad-

judgers; And there being several writs produced for instructing the reply, the Advocats for Grange were allowed to see them till next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten a clock.

JUNE XIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AGREED that the Contraverted Elections be considered next Sitting of Parliament before any other business whatsoever.

PETITION by the Lord Advocat for a warrand to cite Robert Johnstoun of Straitoun and others in order to a proveing the tenor of loſt writs, read, and the warrand granted.

[Laird of Cavers] MOVED that the Lord Register make his report from the Records how the Lairds of Cavers when elected with Knights Baronet to represent the ſhire of Roxburgh were in use to be ranked in the rolls And agreed that the report be considered the next Sitting of Parliament and Sir William Ker of Greenhead allowed to see it in the mean time.

[Hog of Harcarse] PETITION for William Hog of Harcarse desireing certain priviledges for his woollen manufactory read and ordered to ly on the table.

PETITION for George Lockhart merchant in Glasgow for a recommendation of his case to her Majestie and the Lords Commiſsioners of the Thesaury read, And the desire thereof granted as follows.

Recommendation in favors of George Lockhart HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Representation and Petition of George Lockhart Merchant in Glasgow now Surveyor of her Majesties Customs at Prestounpans Humbly Shewing unto them That where dureing the late wars and since the year I^{m} vj^{c} and ninety The Petitioner has sustained great loſses in the fair way of trade and merchandizeing haveing had taken from him and lost his ſhare of twenty two ſhips and their cargoes which were very considerable and amounted to a great value as was clearly and particularly attested by a list of the said ſhips expreſsing their names burdens masters names loadings how and where taken and lost Subscribed by the Magistrats of Glasgow with the common Seal of that City thereto affixed which was given in to the Clerk of Registers hands Likeas since the ſubscribeing of the said list the Petitioner did in the years I^{m} vj^{c} and ninety nine and I^{m} vij^{c} and one loſs his ſhare of two ſhips more one loaded with linnings herrings &c. bound for the Island of Madera the other homeward bound from Norway As also he lost considerably in the joynt Stock of the Company of Scotland tradeing to Africa and the Indies besides several other loſses Whereby it is evident that the said loſses that have befallen the Petitioner as a fair adventurer must be very grievous and unsupportable And seeing such extraordinary loſses in the way of honest trade for support of himself and familie, the improveing the trade of the Nation and for increase of her Majesties Customes, to which the Petitioner hath really payed upwards of Ten thousand pound ſterling on account of himself and partners, did deserve his Grace and their Lordſhips consideration And that the ſame is also agreeable to her Majesties gracious letter And the Lord Commiſsioner's and the Lord Chancellor's ſpeeches all Recommending the encouragement of trade which cannot be done more effectually than by helping and relieving honest unfortunat adventurers Therefore humbly Craveing his Grace and their Lordſhips graciously to commiserat the Petitioners sad loſses and the hardſhips that he and his wife and ſeven children do thereby suffer and at least Recommend him to such an office and imployment about her Majesties customes as he may be capable to discharge and whereby he may obtain some honest ſupport and relief he finding sufficient ſecurity as use is or otherwayes as his Grace and their Lordſhips ſhould think fit as the said representation and petition bears Which his Grace and the said Estates haveing considered they have Recommended and hereby Recommend the Petitioner to her Majestie and to the Lords of her Thesaury to imploy him in such office or imployment about her Majesties customes as he may be capable to diſcharge whereby he may obtain ſome honest ſupport and relief he finding ſufficient Security as use is.

[Oliphant of Langtoun] PETITION for James Oliphant of Langtoun relating to the ſurviveance of the first office which ſhall be vacant amongst the six ordinary Clerks of Seſsion, read and ordered to ly on the table.

[Butchers & Grasiers] THE draught of an Act Prohibiting Butchers to be grasiers, read and ordered to ly on the table and thereupon it was Recommended to the Lords of Seſsion to regulat the prices of wines and vivers within the Toun of Edinburgh.

[Anent the Poor] MOVED that an overture for the better imploying the poor offered by Doctor Hugh Chamberland be considered and the consideration thereof delayed till the first Sitting of Parliament for privat buſineſs.

[Alexr Nisbet] PETITION by Alexander Nisbet for inabling him to perfect his book of Herauldry, read and ordered to ly on the table.

[Toun of Glasgow] AGREED that the Act in favors of the Toun of Glaſgow be considered the next Sitting of Parliament.

[Woollen Manufactories] PETITION for the managers of the woollen and ſilk manufactories read, and delayed untill the condition of the trade of the Nation be considered.

THE Summonds for liberation and protection raised by Mr William Gordon againſt his Creditors being called in common form and Sir William Hope of Balcomie the only compearing Creditor having consented with that quality, The pursuer was ordained to be liberat and his protection granted conditionally; That if at any time he or any of his hounding out or ratihabition ſhould molest the ſaid Sir William in the peaceable poſſeſſion of the lands of Balcomie the protection in ſo far as concerned Sir William's intereſt ſhould ipſo facto become void and null, as is fully exprest in the following Act pronunced in the said matter.

Act for Liberating & Protecting Mr William Gordon of Balcomie Advocat

ANENT the Summonds and Action raised and pursued before her Majesties high Commiſsioner and the Estates of Parliament at the instance of Mr William Gordon of Balcomie Advocat against James Fairſoull ſometime of Kilduncan now tennent in Newbigging John Jollie Merchant in Edinburgh Sir William Hope late Deputy Governour of the Castle of Edinburgh Charles Meinzies Writer to the Signet Sir Thomas Young of Rosebank Thomas Learmonth eldest lawfull ſon to the deceaſed Mark Learmonth Advocat Jean Hay his mother and John Hay of Alderstoun his tutors Margaret Mackgill daughter to umqh John Mackgill Merchant in Edinburgh and Alexander Swintoun Baillie of Dysart Creditors to the said Mr William Gordon Mentioning that where the said Sir William Hope late Deputy Governour of the Caſtle of Edinburgh haveing (as it is too well known) without ever being a Creditor to the Lord Balcomie the Complainers grandfather, or the Complainer in a six pence or any disobligation given him not only bought in from Mr James Balfour and Mr George Arnot the Complainers trustees the haill heretable rights that the Complainer had impignorat in their hands By which after the most barbarous and unheard of manner that ever was practised in a Chriſtian countrey the said Sir William Hope has ejected the Complainer his wife and family from their ancient inheritance But finding that could be no ſufficient Security to him he next buyes in all the perſonall debts he could find out against the Complainer And albeit he had poinded the Complainers corns and other goods to the value of five thouſand pounds Scots altho the haill that ever was due to him did not amount to two thouſand pounds thereafter incarcerated the Complainers person where he has remained these twenty four moneths bypaſt of designe to compell him to grant to Sir William Hope a voluntar Disposition to his haill rights that so being master thereof he might poſſeſs the haill estate for a very little thing and defraud all the others of his grandfathers lawfull Creditors Albeit Primo By Sir William's intromiſsions with the haill effects of the Complainer for these two years bypast he is much more than ſatisfied and payed of all is due to him either as come in place of the Complainers trustees or as aſsigney to any other of the Complainers Creditors as is evident by the proceſs of compt & reckoning concluded before the right honourable the Earle of Lauderdale Secundo As to any other debts he can pretend right to the Complainer did at Whitsunday One thousand seven hundreth and two years Consigne the Sum of fourty two thousand three hundred merks and did thereupon execute a declarator of Redemption Upon which there was an act of compt and reckoning extracted last Seſsion as the ſamine bears Tertio In the Seſsion of Parliament Ico vijc° the Complainer gave in a Petition to the Parliament for a warrand for a sale of the lands of Kilminnan, mill thereof and teinds thereof which the Complainer was still willing that the price of the ſame ſhould be applyed for clearing of all his pretensions if any thing ſhould be found due after the conclusion of the foresaid two proceſses [as the said Petition doth testifie] Notwithstanding of all which he was ſtill detained prisoner in the Cannongate Tolbuith and debarred from attending his affairs about the Parliament house to his great loſs and hazard of his life whereby he had already Contracted very heavy and lethiferous diseases as testificats under ſkilfull and experienced Phisicians hands do bear And the said Complainer having no other remedy under God now left but to apply to her Majestie and her Commiſsioner and Estates of Parliament for a liberation from the said tedious imprisonment and for protection to his person for the future as was granted in the like case to Sir David Cunninghame of Robertland who being incarcerate in the tolbuith of Air by his Creditors was by order of the Parliament Ico vjc° and ninety three set at liberty and upon citation of and granting a Disposition to his Creditors ay and while

they were payed Protection was granted to him dureing life Wherefore neceſsar it was for the Complainer to have Summonds direct at his inſtance for Citeing the ſaid Sir William Hope and his other Creditors to hear and see the ſaid Protection granted and Warrand for his liberation upon a diſpoſition of his Eſtate in manner underwritten as was alleadged And anent the charge given to the ſaid Defenders in manner aftermentioned to have Compeared before her Majeſties ſaid Commiſsioner and the Eſtates of Parliam[t] at a certain day now bygone to answer at the inſtance of the ſaid Purſuer in the action and cauſe libelled in the foreſaid ſummonds And to have heard and ſeen Protection granted by her Majeſtie with advice and conſent of the Eſtates of Parliament to the ſaid M[r] William Gordon and him ordained to be ſet at libertie upon the above diſpoſition of his eſtate in the terms of the Act of Parliament anent Protections or elſe to have given in objections why the ſaid Protection ſhould not paſs with Certification if they failzied Protection would be granted in manner foreſaid as the ſaid ſummonds with the executions therof in themſelves more fully bears The ſaid M[r] William Gordon Purſuer Compearing be M[r] Francis Grant Advocat his Pro[r] who produced in preſence of her Majeſties ſaid Commiſsioner and the ſaid Eſtates a Diſpoſition and Aſsignation granted by the ſaid M[r] William Gordon on the ſeventh day of June inſtant whereby he Made Conſtitute and Ordained the ſaid James Fairfoull John Jollie Charles Meinzies Sir William Hope Sir Thomas Young Thomas Learmonth Jean and John Hayes Janet Mackgill and Alexander Swintoun his very lawfull undoubted and irrevocable Ceſsioners and Aſsigneyes in and to all debts ſums of money goods and geir outſight and inſight pleniſhing horſe nolt ſheep corns cattle and other goods and geir whatsoever belonging to him any manner of way And ſpecially not with the generality foreſaid in and to all right title intereſt he had or could pretend to a decreet and proceſs of Appriſeing led at the inſtance of the deceaſsed M[r] William Mortoun againſt the eſtate of Balcomie for the ſum of Twelve thouſand two hundred and fifty merks and to a decreet and proceſs of Appriſeing led at the inſtance of the deceaſsed Alexander Dounie againſt the ſaid Eſtate for the Sum of Two thouſand merks of principal And in and to an infeftment of annualrent equivalent to the principal Sum of ſixteen hundred merks due by the deceaſsed Sir James Learmonth of Balcomie to Sir John Aytoun of that Ilk And in and to an infeftment of annualrent equivalent to the principal ſum of one thouſand merks Scots money granted by the ſaid Sir James Learmonth to M[r] Martine And in and to an infeftment of annualrent equivalent to the principal ſum of One thouſand pounds Scots granted by the ſaid Sir James Learmonth to Gourlay of Kincrage And in and to the ſum of five hundreth merks contained in a bond granted by the ſaid Sir James Learmonth to Alexander Black in Anſtruther And in and to the haill teinds parſonage and vicarage of the ſaid Lands of Balcomie and Kilminnan And that in full payment and ſatisfaction to the forenamed persons and ilk ane of them for their reſpective intereſts ay and while they be satisfied and payed of the Sums of money principal annualrents and expences mentioned in the ſaid Diſpoſition and Aſsignation as the ſamen lying in the ſaid proceſs bears. And also produced an Teſtificat dated the second of March I[m] vij[c] and three years under the hand of Sir Patrick Maxwell and Alexander Hay Bearing that they did find the ſaid M[r] William Gordon to a great degree affected with scurbutick humours the maſs of the blood being ſpoiled which did evidently appear after he had received ſome things proper for his cure All which in their judgement hath been occaſioned by his long imprisonment For it was their opinion that his disease being groun to a great and dangerous degree can hardly be cured without he go on to take ſuch medecine from time to time as may put a stand to the grouth of the diſtemper and truely proper for his cure and have the liberty of the free air eſpecially then in the ſpring time Without all which he must certainly be in great danger not only of health but of his life being it is the nature of this desease ſtill to grow more and more dangerous as the ſaid Certificat also extant in proceſs bears. And the ſaid Sir William Hope one of the ſaid Defenders compearing by Sir Walter Pringle advocat his pro[r] And the remanent Defenders abovenamed being lawfully ſummoned to this Action oft times called and not compearing the foreſaid Summonds and Executions thereof and haill proceſs with what was repreſented by either party in manner aftermentioned being all at length heard ſeen and considered by his Grace her Majesties ſaid Commiſsioner and the foreſaid Eſtates of Parliam[t] And they being therewith weel and ryply advised Our Sovereign Lady the Queen's Majeſtie with advice and conſent of the Eſtates of Parliament hath Ordained and hereby Ordains the ſaid M[r] William Gordon purſuer to be ſet at liberty out of the tolbuith of the Cannongate where he is priſoner And for the future has Granted and hereby Grant to the ſaid M[r] William Gordon perſonall Protection againſt all dilligence for civil debts at the inſtance of his forenamed Creditors called in this proceſs With this expreſs quality that if ever hereafter the ſaid M[r] William Gordon or any of his hounding out or ratihabition ſhall trouble molest or diſturb the ſaid Sir William Hope or his Tennents in their persons or in the peaceable poſſeſsion of their houſes and eſtate of Balcomie otherwayes than by order of law he ſhall loſe the benefite of the Protection hereby Granted in ſo far as concerns the ſaid Sir William Hope

Because the said John Jollie Sir William Hope Charles Meinzies Sir Thomas Young Thomas Learmonth and Jean Hay being all lawfully Summoned personally apprehended by an Meſsenger at arms And the remanent other defenders being lawfully cited at their respective lodgeings dwelling houſes and chambers to have Compeared at an certain day now bygone with continuation of dayes before the said high Commiſsioner and the said Estates to have answered at the instance of the said pursuer in the foresaid action and cause lybelled with Certification as said is And none of the forenamed defenders Compearing except the said Sir William Hope The said Mr Francis Grant at calling of the foresaid action and cause upon the day and date of thir presents Resumed his proceſs for the pursuer and Craved liberation and protection in respect of the reasons libelled and disposition by Mr William Gordon in favors of his Creditors lying in proceſs in manner foresaid Whereupon the said Sir Walter Pringle pro^r foresaid for the ſaid Sir William Hope Declared he was ſatisfied that Mr William Gordon ſhould have his liberty and personal protection but with this quality that if ever hereafter Mr William Gordon or any of his hounding out or ratihabition ſhall trouble molest or diſturb the said Sir William Hope or his Tennents in their persons or in the peaceable poſseſsion of their houses and estate of Balcomie otherwayes than by order of law he ſhall lose the benefite of his Protection Which haill proceſs with what is above represented being advised by his Grace her Majesties high Commiſsioner and the said Estates of Parliament there was order for Setting the said Mr William at liberty and a Protection to him Granted in manner and with the quality foresaid.

[Shire of Caithneſs] THE *draught of* an act Inlargeing the time of Compearing in ſummonds and other legall executions within the ſhire of Caithneſs read and ordered to ly on the table.

[Marquis of Douglas ag^t Earl of Forfar] ORDERED that unleſs the Earl of Forfar's answers to the Petition of the Marqueſs of Douglaſs be given in the next Sitting of Parliament the desire of the Petition be granted.

[Laird of Pourie ag^t Lord Gray] THE action for remeed of Law at the instance of the Laird of Pourie againſt the Lord Gray called and debated by the Advocats for either party at full lenth; In adviſeing of which debate it being moved that the Lords of Seſsion ſhould be declined to Judge in the cauſe as haveing pronunced the decreet in question; It was put to the vote If the Lords of Seſsion who were Members of Parliament could be declined in the cauſe Yea or No and carried No It was then moved that in order to the deciſion the vote might be ſtated in these terms viz. If the size fiſh libelled fell under the dispoſition and clauſe of warrandice in favors of Pourie Yea or No; And it being moved thereafter that the vote might be rather ſtated in the words Adhere &c. or Alter the decreet It was put to the vote Whither the first or second ſhould be voted And carried the ſecond state.

THE Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XVII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Earl of Forfar] THE Warrand for citeing the Earl of Forfar conform to the Petition of the Marqueſs of Douglaſs granted.

THE consideration of the cause pursued by the Laird of Pourie against the Lord Gray being resumed The decreet of the Lords of Seſsion was read and the vote ſtated Adhere or Alter the decreet, carried Adhere; And so decreet was pronunced in the ſaid matter in manner underwritten

Decreet the Lord Gray &c. against Fothringhame of Pourie ANENT the Supplication given in and presented to His Grace the high Commiſsioner and honourable Estates of Parliament by David Fothringhame of Pourie againſt Patrick Lord Gray and John Gray of Crichie And thereafter wakened and insisted in at the instance of Thomas Fothringhame now of Pourie as air ſerved and retoured to the said umq^ll David Fothringhame of Pourie his father against the said Patrick Lord Gray John Gray of Crichie and Gray his Lady in manner underwritten The whilk Supplication maketh mention That where the said David Fothringhame of Pourie haveing purchased in Anno I^m vj^c- and sixty six years from Patrick Lord Gray the Craig of Brughtie with the ſalmond fiſhing size fiſh and other fiſhings belonging thereto, In the disposition thereof the said Lord Gray did oblidge himselfe to Warrand the ſamen at all hands in moſt ample form And in the terms of the foresaid Disposition he ſtands publictly infeft and did for many years continue in poſseſsion of the said craig and fiſhings and particularly of the size fiſh which was nine fiſh out of every boat with white fiſh paſsing by the said craig but at laſt many of the fishers who were tennents to the Earl of Panmure refused to pay the ſame Whereupon the Petitioner was neceſsitat to raise a Declarator of his right against

the Earl and his Tennents And he did raise a counter Declarator of Immunity against the Petitioner And at the ſame time the Petitioner did duely intimat this distreſs to the present Lord Gray who represents the Petitioners author And after litigious debate wherein the Petitioners infeftments and his authors were not Sustained as a sufficient title to the ſaid size fiſh He was neceſsitat to propone prescription by offering to prove fourty years poſseſsion And the Earl and the Petitioner were allowed an joynt probation And after deduceing and adviſeing thereof the Earl and his Tennents were Aſsoilʒied from the Petitioners Declarator and were Declared free from payment of the said size fiſh Whereupon the Petitioner was neceſsitat to intent an action of warrandice againſt the Lord Gray for payment of the value of the ſaid size fiſh ſo evicted from him And notwithstanding that the said size were expreſsly disponed and alse expreſsly warranted yet the Lords of Seſsion did think it fit to Aſsoilʒie the said Lord Gray whereby the Petitioner did judge himselfe leazed And did before Extracting conform to the late Act of Parliament anent Appealls, Appeall to the Parliament for remede of law And seeing his Grace his Majesties high Commiſsioner and their Lordſhips would not summarly take a review of the foresaid Sentence and Decreet unleſs the said Lord Gray and others concerned were duely cited Therefore the Petitioner humbly Craved that His Grace and their Lordſhips would take the premiſses to their consideration and grant Warrand to Meſsengers and others to cite the said Lord Gray Gray of Crichie and all others concerned as also the Lord Register and his Deputes to Compear before them upon fifeteen dayes to answer in the foresaid appeal Bringing with them the said decreet of the Lords of Councill and Session with the haill Minuts of proceſs and Interloquitors therein with the grounds and Warrands thereof Which Supplication and Desire thereof haveing been considered by his Majesties high Commiſsioner and Estates of Parliament they Gave and Granted Warrand to Macers or Meſsengers at Arms to Cite and Summond the above mentioned persons on fifeteen dayes to Compear before his Ma^ts high Commiſsioner and Estates of Parliament at Edinburgh the day of I^(0) vj^c^ and ninety five years to the effect abovementioned, as an Act made thereanent of the date the Sixteenth day of May I^(0) vj^c^ and ninety five years extant in proceſs bears Be vertue whereof the said Patrick Lord Gray and John Gray of Crichie were lawfully ſummoned to have Compeared before the ſaid high Commiſsioner and honourable Estates of Parliament at an certain day now bygone to have heard and ſeen decreet and ſentence given and pronunced in the said matter in manner and to the effect abovementioned as in the said Act and Executions thereof more fully is contained Which Act being called after elapsing of the said day of compearance by an Clerk and Macer at the open gate of the Parliament Houſe as use is and ſeen and returned in common form the said David Fothringhame of Pourie then Compeared by Sir James Ogilvie (now Lord high Chancellour) and Mr George Alexander Advocats his procurators and the said Thomas Fothringhame now of Pourie afterwards Compearing by Mr Francis Grant Advocat his procurator who produced an Contract of wadset betwixt the right honourable William Master of Gray heretable proprietar of the lands and others therein mentioned on the one part and Mr James Kidd of Craigie on the other part Whereby for the ſum of Twelve thousand merks then payed by the said Mr James Kidd to the said William Master of Gray the said Master of Gray Sold Annalʒied and Disponed to the said Mr James Kidd his heirs and Aſsigneyes whatsoever heretably under reversion all and haill the Craig of Brughtie with the castle fortalice ſalmond fiſhing size fiſh and other fiſhings belonging thereto lying within the ſherifdom of Forfar And all and haill his Toun and Lands of Northferrie near Brughtie commonly called the forth of Brughtie with the teinds included togither with the fiſhing on the water of Tay with the cunningar lands thereof belonging to the said lands of Northferrie And all and sundry the parts pendicles annexis connexis dependencies and pertinents thereof few farms few maills and few duties of One hundred and fifty three pounds six ſhilling eight pennies Scots money foresaid and an barrell of Salmond fiſh addebted to him furth thereof yearly lying within the Lordſhip of Aberbrothock and ſherifdom foresaid as the ſaid contract of wadset containing a procuratory of resignation and several other clauses of the date the ſeventh day of June I^(0) vj^c^ and fifty five years at more length bears Item Instrument of Seasine in favors of the said Mr James Kidd of the foresaid Craig of Bruchtie size fiſhings and other fiſhings abovementioned proceeding upon a charter granted by the said William Master of Gray to the said Mr James Kidd in implement of the foresaid Contract of alienation and disposition and containing an precept of Seasine for infefting the said Mr James Kid and his foresaids in the foresaid Craig of Brughtie castle fortalice ſalmond fiſhing size fiſhing and other fiſhings belonging thereto and others therein ſpecified as the said Instrument of Seasine under the ſubscription of William Gray Sherif Clerk of Forfar dated the Sixth of July I^(0) vj^c^ and fifty five years and duely registred conform to the Act of Parliam^t in the Register of ſeasines reversions and others of that nature within the Sherifdom of Forfar upon the third day of September I^(0) vj^c^ and fifty five by Thomas Weichtoun Clerk depute and Keeper of the said Register bears Item Instrument of Seasine in favours of Patrick Kidd of

the foresaid Craig of Brughtie fortalice ſalmond fiſhing size fiſhing and other fiſhing thereto belonging proceeding upon a charter and precept of Seasine therein mentioned granted by the ſaid Mr James Kidd his father as the said Instrument of Seasine under the ſubscription of William Gray Notar publict dated the twenty second day of January Im vjc- and sixty two years and registred conform to the Act of Parliamt in the publict Register of Seasines reversions and renunciations within the said Sherifdom of Forfar upon the eleventh day of February Im vjc- and sixty two years by Mr Patrick Yeaman Clerk to and Keeper of the said Register also bears Item an disposition be the said Patrick Kidd of Craigie eldest lawful son and heir ſerved and retoured to the said Mr James Kid of Craigiẽ his father and also Aſsigney therein mentioned to and in favors of David Fothringhame of Pourie and his heirs male whilks failzieing his heirs and aſsigneys whatſoever Of all and haill the foresaid Craig of Brughtie with the castle touer fortalice ſalmond fiſhing size fiſhing and other fiſhings belonging thereto And all and haill the foresaid toun and lands of Northferry near Brughtie commonly called the forth of Brughtie with the teinds included together with the fiſhing on the water of Tay with the cunningar lands thereof belonging to the said lands of Northferry And with all and ſundry the parts pendicles annexis connexis dependencies and pertinents thereof whatsoever few farms few maills and few duties and others therein ſpecified lying in manner foresaid as the said disposition containing procuratory of resignation and precept of Seasine and other clauses of the date the twenty Sixth of March Im vjc- and sixty six years at more length bears Item an Inſtrument of Seasine in favors of the said David Fothringhame of Pourie of the foresaid craig of Brughtie with the castle touer fortalice ſalmond fiſhing size fiſhings and other fiſhings belonging thereto And of all and haill the said Lands of Northferrie and others abovementioned following upon the foresaid disposition as the said Instrument of Seasine under the ſubscription of William Gray Notar publict dated the twenty ninth day of March Im vjc- and sixty six and regrat conform to the Act of Parliament in the publict Register of ſeasines reversions and others within the Sherifdom of Forfar upon the firſt of May Im vjc- and sixty six by Mr Patrick Yeaman Clerk to and Keeper of the said Register Item Disposition by Patrick Lord Gray to and in favors of David Fothringhame of Pourie whereby for the sum of Twenty one thousand Merks then payed by the said David Fothringhame to the said Patrick Lord Gray the said Patrick Lord Gray Sells Annalzies and Dispones to and in favors of the said David Fothringhame of Pourie all and haill the foresaid Craig of Brughtie with the castle touer fortalice ſalmond fiſhing size fiſhing and others belonging thereto lyand as ſaid is And alse all and haill the toun and lands of Northferry and others above narrated as the said disposition containing an procuratory of resignation and several other clauses of the date the ſeventh day of February Im vjc- and sixty six and day of April the said year at more length bears Item an General Retour whereby the said Thomas Fothringhame now of Pourie is heir ſerved and retoured in general to the said David Fothringhame of Pourie his father dated the day of Im vjc- and ninety six years Item an Instrument of Seasine in favors of the said Thomas Fothringhame of Pourie of the foresaid craig of Brughtie ſalmond fiſhing size fiſhing and other fiſhing thereto belonging and containing ſeveral other lands and others therein narrated Whilk ſeasine proceeded upon a precept furth of the Chancellary for infefting the ſaid Thomas Fothringhame as heir ſerved and retoured to his ſaid father as the ſaid instrument of Seasine under the ſubscription of Mr John Lyon of the date the thirteenth of May Im vjc- and ninety six years and duely registred conform to the Act of Parliament in the new general Register of Seasines and reverſions keeped at Edinburgh upon the twenty ſeventh day of June Im vjc- and ninety six years by Sir John Foulis Clerk to and keeper of the said Register more fully bears Item two ſeveral instruments and protests for remeed of law taken by the said David Fothringhame of Pourie bearing that in presence of the Notar afternamed and witneſses therein insert and alse in presence of the deceaſed James Viscount of Stair then Lord President of the Seſsion and remanent Lords of Councill and Seſsion then conveened and sitting in the inner house of the ſeſsion houſe of Edinburgh and also in presence of the now deceaſsed Sir Alexander Gibson of Adistoun and Alexander Gibson his son two of the principal Clerks of the Seſsion and Clerk to the proceſs above and therein mentioned Compeared personally the said David Fothringhame of Pourie and there alleadged to the said Lord President and remanent Lords of Councill and Seſsion that he found himselfe grieved be the Interloquitor pronunced be their Lordſhips upon the eleventh of February then instant in the Action aftermentioned pursued before them at the instance of the said David Fothringhame And therefore the said David Fothringhame exhibited and produced in presence of the said Lords ane Protestation ſubscribed by him narrating that he found himselfe grieved by their Interloquitor of the date the eleventh day of February then instant in the action of Warrandice pursued at his instance against My Lord Gray Whereby the Lords fand that by the Disposition the size fish are disponed only in so far as the disponer had right thereto And therefore fand that the Eviction does not make the Defender lyable for repetition of the size fiſh And therefore pro-

tested for remede of law to King and Parliament dated the thirteenth of February I(1) vjc- and ninety two Which Protestation the said David Fothringhame Gave in and Delivered to the said Sir Alexander Gibson Clerk in presence of the said Lords of Councill and Seſsion And conform thereto protested for remede of law to the King and Parliament against the said ſentence and interloquitor abovementioned and Craved that the said protest might be recorded and thereupon took instruments as the said two Instruments and Protests both dated the thirteenth day of February I(1) vjc- and ninety two years under the ſubscription of Robert Carstairs Notar publict more fully bears And the foresaid Action haveing been moved in plane Parliament on the ſecond of July I(1) vjc- and ninety five years the Lord high Commiſsioner and Eſtates of Parliament Declared they would hear both parties Procurators on the above action in their own presence on Saturday then next And the said David Fothringhame haveing dyed before any farder procedure therein the said Thomas Fothringhame now of Pourie as heir foresaid produced another Instrument taken by him against the Lord Gray John Gray of Crichie and his Lady bearing Mr William Ramsay in Fothringhame as pror for the said Laird of Pourie to have past to the personal presence of John Gray of Crichie and mentioning that the said Laird of Pourie was summoned by vertue of Summonds of poinding the ground raised at the instance of Andrew Burnet second lawful ſon of the deceaſsed Thomas Burnet of Kemney (designed in the heretable bond and infeftment therein mentioned Writer in Edinburgh) as haveing right be adjudication thereto in manner therein ſpecified with which the castle of Brughtie and salmond fishing thereof is alleadged to be affected wch was ſold to the deceaſsed David Fothringhame of Pourie be Patrick Lord Gray and the deceaſsed Barbara Murray his Lady, to Compear before the Lords of Councill and Seſsion at an certain day therein mentioned to answer at the instance of the said Pursuer in manner lybelled And there the said Pror made intimation of the said Summonds and Streſs to the said John Gray personally and desired to have acceſs to the said Patrick Lord Gray and to Dame Marjory Gray his only daughter and heireſs ſpouſe to the ſaid John Gray to have made intimation thereof to them And the said John Gray answered that he could not have acceſs to them by reason of their indisposition But he would accept of the ſaid intimation made to him to be as valid as if he had met with them both personally for that effect And there the said Pror required them to concurr with and aſsiſt the said Thomas Fothringhame of Pourie in defending the said Andrew Burnet anent the said action and pursute And protested for all coast ſkaith damnage and expences the said Laird of Pourie might sustain therethrough And for all other remede of law as the said Instrument under the hand of James Gourlay Notar publict dated the fifeteenth day of January I(1) vjc- and ninety eight years more fully bears Thereafter the said Thomas Fothringhame now of Pourie gave in and presented to the high Commiſsioner and Eſtates of Parliament an Petition Shewing that where the Petitioners deceaſsed father haveing an proceſs depending before the Commiſsioner and the honourable Estates of Parliament for reviewing an decreet pronunced be the Lords of Seſsion against him at the instance of the Lord Gray which came to be called in anno I(1) vjc- and ninety five but could not in that ſeſsion of Parliament be brought to an period And his father haveing died before the next Seſsion there was no farder progreſs made therein And now the Petitioner being served heir to his said father he is of intention to prosecute the said action And seeing at the calling it is like it may be objected by the Lord Gray that the affair is ſleeping Therefore humbly Craveing His Grace and honourable Estates of Parliament would be pleased to grant Warrand for Citeing the said Lord Gray and others formerly cited to Compear before them upon six dayes to answer to the former lybell and to ordain the Lord Gray to bring the decreet quarrelled and ſuch of the grounds thereof as he has and to ordain the Clerks of Seſsion to produce ſuch grounds as they have Which Petition and desire thereof being read in presence of and considered by the High Commiſsioner and the Estates of Parliament They gave and granted Warrand to Maſsers or Meſsengers to Cite the above mentioned Lord Gray and others formerly cited to Compear before the said Commiſsioner and Estates of Parliament on six dayes warning to the effect abovewritten as an act extracted thereanent of the date the twenty seventh of July I(1) vjc and ninety eight extant in proceſs bears Be vertue whereof the said Patrick Lord Gray John Gray of Crichie and Gray his Lady and alse Mr Alexander Gibson one of the Clerks of Councill and Seſsion and then Depute Clerk to the Lord Regiſter and Clerk to the foresaid proceſs were all ſummoned to Compear before the ſaid high Commiſsioner and Estates of Parliament at an certain day now bygone in manner and to the effect abovementioned After elapsing of which day of compearance the foresaid Act being called be an Maſser and Clerk at the open gate of the Parliament house as use is The said Thomas Fothringhame of Pourie compearing be the ſaid Mr George Alexander Advocat his Procurator and the said Patrick Lord Gray and John Gray of Crichie and his Lady compearing be Sir David Dalrymple and Mr Charles Gray Advocats their Procurators the said Thomas Fothringhame of Pourie and his said Procurators thereafter produced his ſaid General Retour as heir to his father and Seasine thereon of the date tenor and contents

abovementioned Item an Instrument of Intimation by Mr William Ramsay as pror ſpecially constitute by the said Laird of Pourie to John Gray of Crichie whereby the ſaid Mr William Ramsay as pror foresaid made intimation to the ſaid John Gray personally that the Laird of Pourie was to insist in that Action of reduction before the Parliament of that decreet obtained be Patrick Lord Gray the said John Gray and Gray his ſpouse before the Lords of Councill and Seſsion against him as the ſamen Instrument of Intimation dated the Sixteenth day of May Ico and vjco years under the hands of James Gourlay Notar publict more fully bears Item an procuratory granted by the said Thomas Fothringhame of Pourie in favors of George Clerk his ſervitor nominating and appointing him his lawfull pror to the effect underwritten Giveing Granting and Committing to him his full power warrand and commiſsion for him and in his name to paſs to the personal presence of Patrick Lord Gray John Gray of Crichie and Gray his Lady and to their dwelling places and ther make intimation to the foresaid persons that the said Laird of Pourie was to insist in his proceſs of Warrandice at his instance against them before the Parliament then sitting at Edinburgh With power to his said pror to take instruments thereon in the hands of ane Notar publict and to protest that the persons abovenamed may not pretend ignorance of the premiſses as the said procuratory dated the twenty ſeventh of February Ico vjco more fully bears Item an Instrument of intimation taken by the said George as pror foresaid for the said Laird of Pourie against the said Lord Gray John Gray of Crichie and his ſpouse intimating to them that the said Thomas Fotheringhame of Pourie was to insist in the foresaid proceſs of Warrandice pursued at his instance against them in manner more fully mentioned therein and in the above procuratory And protesting that they might not pretend ignorance of the premiſses as in the ſamen under the hand of Thomas Crichton Notar publict of the date of the foresaid procuratory more fully is contained And farder produced for ſatisfieing the production in the foresaid action of reduction the foresaid Decreet craved to be reduced at the instance of the said Patrick Lord Gray against the deceaſsed David Fothringhame of Pourie before the Lords of Councill and Seſsion Whereby the said Lords fand that by the foresaid disposition produced, the size fiſh therein mentioned is disponed only by the said Patrick Lord Gray disponer thereof in so far allennarly as he had right thereto And therefore Fand that the eviction does not make the said Patrick Lord Gray defender lyable for repetition of the value of the size fiſhes lybelled And Aſsoilzied the said Patrick Lord Gray from the haill points and articles of the said Summonds and desire of the pursuers pors craved thereby and Decerned and Declared the said Defender quite thereof and free therefrae now and in all time comeing as the said Decreet of the date the eleventh day of February Ico vjco and ninety two years bears And also produced another Instrument of intimation taken by Mr George Pitcairn Commiſsar of Dunkeld as pror and acturney for and in name and behalf of the said Laird of Powrie against Sir James Steuart of Goodtrees his Majesties Advocat Mr David Dalrymple and Mr Charles Gray Advocats pors for Patrick Lord Gray and John Gray of Crichie makeing intimation to each of them that the said Thomas Fothringhame of Pourie had intimat to the said Lord Gray and John Gray of Crichie by an Notar and Witneſses that he was to insist that Seſsion of Parliament in the proceſs above narrated And which intimation with the haill proceſs already seen and returned before the Parliament with the Decreet absolvitor at the instance of the said Lord Gray against the said David Fothringhame of Pourie father to the said Thomas were all produced and lying in the hands of Alexander Gibson of Durie Clerk to the proceſs And therefore if the said Lord Advocat Mr David Dalrymple or Mr Charles Gray Advocats as procurators foresaid for the said Lord Gray or Gray of Crichie desired inspection of the said proceſs or any part thereof that they might apply to the said Alexander Gibson who would give them inspection thereof in the Clerks hands that when the ſame came to be called they might pretend no ignorance nor plead any excuse as the ſamine under the hand of David Hutchiſon Notar publict dated the twenty third day of December Ico and vjco at more length proports Together also with an procuratory by the said Thomas Fothringhame of Pourie nominating and appointing John Crokat his Servitor his lawfull pror and giveing granting and committing to him his full power and commiſsion to paſs to the personal presence of the said Lord Gray and Gray of Crichie and failzieing thereof to their dwelling places And there to make intimation in manner and to the effect therein ſpẽit and mentioned in the foresaid procuratory granted be him to the ſaid George Clerk as the ſamen dated the twenty sixth of April Ico vjco and three more fully bears Item an Instrument of intimation by the said John Crokat abovespecified for and in behalf of the said Thomas Fothringhame intimating to Patrick Lord Gray and John Gray of Crichie that the said Thomas Fothringhame was to insist in the foresaid proceſs in manner and at the time therein specified as the ſamen under the hand of James Gourlay Notar publict of the date of the foresaid procuratory more fully bears Item an Procuratory by the said Thomas Fothringhame of Pourie in favors of David Craig Writer in Edinburgh nominating and appointing him his pror and giveing granting and committing to him full power warrand and commiſsion to paſs to the

personal presence of Mr Charles Gray Advocat for the said Lord Gray and John Gray of Crichie and failzieing thereof to their dwelling places and there to make intimation that he was to insist in the above process before the Parliament which met at Edinburgh the Sixth day of May then instant With power to his said pror to do all things necessar and requisite thereanent in manner therein mentioned dated the eight of May Ic vijc- and three Together with an Instrument of intimation taken by the said David Craig as pror for and in name and behalf of the said Thomas Fothringhame against the said Mr Charles Gray Advocat intimating to him as Advocat foresaid that the said Thomas Fothringhame of Pourie was to insist in the above mentioned process in manner at the time therein specified As the samen under the hand of John Guthrie Notar publict of the date of the above procuratory more fully bears Whilk action haveing been thereafter several times moved in plain Parliament the fourteenth instant was ordained and appointed to both parties prors to be in readiness to debate the cause in plain Parliament And accordingly the samen Action and cause haveing been called as use is from the Throne and at the open gate of the Parliament house by an Clerk and Macer both parties compearing by their respective procurators abovenamed The said Mr George Alexander and Mr Francis Grant Advocats prors foresaid for the said Thomas Fothringhame of Pourie resumed the matter of fact That the Lord Gray haveing been in possession of the Craig of Brughtie and the castle built on it together with a salmond fishing adjacent thereto and a priviledge of exacting nine fish out of every white fish boat of the Northferry every day that they passed by the castle for fishing The last was called the Size fish Which being considerable both in respect of the homage implyed in it and profite ariseing from it Kid of Craigie did take a wadset of the craig and fishing in anno Ic vjc- and fifty five which bears size fish both in the dispositive part precept of seasine and Seasine following thereon with absolute Warrandice relative thereto The deceased David Fothringhame of Pourie the pursuers father finding that not only the Lord Gray but likewayes his said wadsetter did peaceably enjoy the said size fish he is prevailed to buy the interest And that the Lord Gray's disposition to him bears the recept of twenty one thousand merks as the full price and availl not only of the Lands but likewayes of the fishings &c. And Dispones the craig of Brughtie with the castle salmond fishing size fish and other fishings belonging thereto as also the toun and land called the firth of Brughtie with the cunningar lands thereof belonging thereto In which he oblidges himselfe to infeft which infeftment and either of them shall bear absolute Warrandice Likeas he Warrands against all evictions and all inconveniencies whatsoever and Assignes to the wadsetters reversion dated in anno Ic vjc- and sixty six By vertue whereof Pourie continued in possession till the Earl of Panmure heretor of the boats lyable in size fish did obtain declarator of immunity To which distress Pourie did call the Lord Gray for defending against it And upon eviction pursued an action of recourse against the Lord Gray upon the warrandice of the disposition for payment of the value of the size fish But the Lords of Session in anno Ic vjc- and ninety two did Assoilzie him in these precise terms The Lords find that by the disposition the size fish is disponed only in so far as the disponer had right thereto And therefore find the eviction doth not make the defender lyable for repetition of the value of the said fish and therefore Assoilzied, Whereupon the late Pourie protested for remede of Law and raised a reduction of the said interloquitor and decreet following thereon before the Parliament founded on the protestation for remede of Law and other grounds and reasons of reduction But nothing haveing followed on the reduction in the deceased Pouries time this Pourie as heir to his father raised a Wakening of the foresaid reduction the last Session of Parliament and haveing then insisted therein there was nothing proponed for the Lord Gray but dilators But these being now over the precise state of the case stands thus Primo That the Interloquitor is not so much the sentiment of the Lords as the fault of the Clerk who has not certainly read the several parts of this disposition and other writs which clears that the size fish are simply disponed and not allennarly in so far as the disponer had right thereto On which ground only the interloquitor is founded And this is manifest in the sequele words of these writts from the meaning of them from the iniquities that others would be brought on Pourie and from the absurd consequences to the Leidges which would follow if it were not so To which it was Answered by the said Mr Charles Gray Advocat Procurator foresaid for the said Lord Gray That the protestation for remeed of Law is altogether groundless and vexatious And the Lords of Session their sentence is most just and conform to the precise principles of Law for there can no eviction arise upon the Earl of Panmure's declarator of immunity Because the defender did not sell the size fish as payable out of the boats belonging to the Earl of Panmure nor did he dispone the size fish of a certain number of boats nor yet a definit number out of each boat but only in general he sold the lands with the size fish belonging thereto So that now the Lords haveing found the Earl of Panmure's lands free of that servitude the same does not fall under the Defenders disposition And the Pursuer cannot alleadge on any eviction so long as he does possess any size fish Because a disposition of size fish belonging to lands cannot oblidge the disponer for all that the acquirer shall

claim as belonging thereto but only for what does truely and justly belong to the ſame no more than a disposition bearing in the general clause with common paſturage &c. does oblidge the disponer had no common pasturage or tho the heretor of an particular commonty moſs or muir obtained a declarator that the acquirer had not a servitude upon that commonty Whereunto it was Replyed by the said Mr Francis Grant prr foresaid for the said Thomas Fothringhame that it is clear and evident that the size fiſh are expreſsly disponed in the ſame manner as the ſalmond fiſhing The Wadsetter who is likewayes Pouries author hath likewayes the size fiſh both in his dispositive clause precept and instrument of seasine as said is And Pouries ſeasine on the Lord Gray's right hath symbolls for the fishings The Lord Gray's disposition to Pourie bears the price to be the full availl of the fiſhings thereafter mentioned which is the size fiſh as well as the ſalmond This disposition bears not only the size fish in special by the Lord Gray as proprietor But likewayes all other right and intereſt which he had thereto or to the other ſubject disponed Which ſhews a manifeſt distinction betwixt an absolute disposition of what is specially exprest and a disposition only of all right the disponer has for the warrandice is not generally of the infeftment (which yet would ſuffice since there were infeftments of the size fish) but either of them And so it is that ther were Infeftments of the fishing as well as of the land And therefore the Warrandice extends to it and appears designedly calculat for it Besides which there being some consenters to this disposition these consenters warrand only from fact and deed which indeed implyes no more than the communication only of what right they had But the Lord Gray's warrandice as principal disponer is absolute which demonstrats the difference and Contraria juxta ſe posita clarius elucescunt For it cannot be imagined Pourie would have given his money for nothing pro tanto Or can it be dreamed that if the question had been fairly ſtated then by the Lord Gray to Pourie, Sir Are you willing to give so much price even tho three or four or five hundred merks by year be evicted from them on the account of the size fish so that you will lose the proportional ſtock thereof, that he would have been so tame as to acquiesced Is it not absurd that when a mill is disponed with the aſtricted multures of other men's lands or a roume is disponed with a particular moſs or graſsings without which it cannot ſubsist or a tenement is disponed with the right of an ārent few duty or teinds all which are kinds of servitude upon another and these often of greater value than the ſubject first named itselfe that these being evicted the purchaſser ſhould be cheated of the price which he gave out upon the faith of the disponers right, In a word the Lord Gray warrands against all evictions But this was an eviction against all inconveniencies And this is an inconveniency ariseing from the defect of the disponers title against all perills to the fiſhings in the plural number and not the fiſhing of salmond only but the size fiſh is ſuch the loſs of which is greater than that of salmond in respect that tho the rent ſhould differ yet this is overballanced by the certainty of the one above the other And therefore ſince all the Lord Gray's arguments for elideing recourse on eviction of the one would likewayes exclude it on eviction of the other the price being payed equally for both the word being dispoſitive equally of both and all the leiges being concerned in the precedent as to both Its plain that by the words meaning and common ſense of parties the ſize fiſh were ſimply disponed and not allennarly in ſo far as the disponer had right thereto Whereunto it was Duplyed by the said Sir David Dalrymple and Mr Charles Gray Advocats prors foresaid for the ſaid Lord Gray That he the defender cannot be lyable at all in any action of eviction for size fiſh ſupposeing the whole adjacent heretors as well as the Earl of Panmure were declared free thereof which he doth urge from the following grounds Primo The dispositive Clause bearing only the craig of Brughtie with the size fiſh thereunto belonging and there being no more mention of the size fiſh in the procuratory of reſignation or in the clause of warrandice which doth only oblidge to warrand the infeftments of the Lands and others above disponed in general ſuch a disposition doth only import a conveying of the Lands with the pertinents tales quales the disponer had them And if it were not so disponers would be miſerably insnared by the general and ample clauses in all dispositions which in stile doth bear mines quarries &c. with all parts & pertinents belonging thereto Which general clause was never pretended to inferr any oblidgement against the disponer that there was any ſervitude of common pasturage or any of the particulars abovementioned belonging to the Lands disponed But the Lands which are only considered in the purchase being disponed and warranded So that if any of these particulars ſpecially or generally exprest be found to belong as part and pertinent thereof they are conveyed but not all warranded because the ſtile bears that they are only disponed in so far as they do belong to or are part and pertinent of the Lands for a disposition of size fiſh in ſo far as they do belong to the lands have the ſame import and signification in Law Secundo Where it is designed that these particulars ſhould be specially disponed and warranded it is ſo expreſsed both in the dispositive clause and warrandice As if it had been designed to warrand the size fiſh the ſame would have been narrated both as to the quantity payable by every boat and as to the ſubject lyable to that ſervitude or the prædium ſerviens viz. That the ſame were payable out of every boat belonging to

the poſſeſsors of the Lands belonging to the Earl of Panmure And the Warrandice would have born that there was ſuch a quantity payable out of such boats per expreſsum which would have founded a clear eviction But ſuch a general clause can no more found recourse than the receiver of a disposition of lands with common pasturadge or the like could return if no ſuch pasturadge were found Tertio The disposition doth narrate the ſeveral rights of the Lands which were ſtated in the disponers person viz. Three or four ſeveral appriſeings with a gift of recognition none of which appriseings or the charter of recognition or any of the former and ancient rights of these lands did in the leaſt mention the said size fish otherwayes than by generall term of part and pertinent So that the disponer haveing narrated his ſpecial rights & titles to the Lands and these special rights never once mentioning the ſize fish it cannot be imagined that any man of common reason would have designed to have subjected himself to a Warrandice thereof by such a general clause of size fiſh thereunto belonging Quarto These fiſh were never in any rental of the estate nor could the value thereof which was various and uncertain be liquid But that which was ſold was a constant fixed rental amounting to twelve hundred merks of money and a hogshead of wine yearly together with Two hundred and thirty merks of few duty and a barrell of ſalmond All which were ſold for twenty thousand merks of price To which it was Triplyed by the said Mr Francis Grant Primo The words, thereto belonging, must by all the rules of construction be referred and conjoyned to the proximum antecedens viz. the other fishings And it is plainly obvious that the ſize fiſh is disponed expreſsly even as expreſsly as the ſalmond fiſhing and thereby was understood to be disponed by the Lord Gray as proprietar thereof whereby if he had no right to either of them he incurred the warrandice But as to other fishings belonging to Brughtie such as fluicks truits &c. if any were they were only disponed as part and pertinent whereof the purchaser took his hazard Secundo As an evidence hereof Suppose the disposition had run only of the Craig of Brughtie size fiſh and other fiſh belonging thereto without mention of ſalmond or any other ſubject Is it poſsible that the size fiſh being evicted Pourie ſhould have nothing for his money but a barren rock Or that in the paralell case a person who bought a mill with the astricted multurs of particular lands or a house with a particular graſsing or moſs ſhould have the walls of the house and no more if these emoluments belonging to it were evicted Tertio It is not poſsible in reason law or common ſense that the ſize fiſh are disponed only as a common pertinent belonging to the Craig of Brughtie Because in the first place they are ſpecially mentioned in the disposition And in the next place the feasine has ſpeciall Symbolls for fiſhings And in the third place this is clear by the size fiſh being so diſtinct from common pertinent (for which usually there is no seperat infeftment) in the Wadſetters rights And in the fourth place the Lands called the firth of Brughtie are disponed in the ſame writ as the cunningar lands belonging thereto But it will not be said If the cunningar lands were evicted (tho disponed as belonging to the firth of Brughtie as ſaid is) there could be no recourse And hence in the last place There is a great difference betwixt pertinents exprest, for a pertinent is ſo far under the bargainers consideration as to be ſpecial exprest becomes a part of the ſubject disponed and consequently under the warrandice in case of eviction Whereunto it was quadruplyed by the said Sir David Dalrymple & Mr Charles Gray That the size fiſh are only disponed as part and pertinent and consequence of the lands and not as a positive right Because the ſame are not all circumstantiat as to the quality nor as to the prædium ſerviens And whereas it is alleadged that there is a paralell betwixt the ſalmond fiſhing which is the bulk of the ſubject disponed and the size fiſh It was answered It is an absolute mistake And the disparity betwixt the two appears in the following particulars Primo The ſalmond fishing is specially narrated in all the rights mentioned in the disposition and was allwayes a great part of the rental Secundo The ſalmond fishing is inter regalia and does not fall under the general designation of part and pertinent but must be particularly disponed and here specially contained in the rights conveyed And besides the general clause of ſalmond fiſhing there is subjoyned a particular disposition of the fiſhings in the water of Tay So that the ſalmond fishing is more amply and specially disponed than the size fiſh, Tertio The salmond fiſhing is a positive right belonging either to the King or to the heretor of the alveus or channell of the water where the fiſhes are taken And ſo the benefite thereof is a casualitie ariseing out of the heretors property Whereas the size fiſh is no proper seperat right but a Servitude upon an other heretors tenement And such Servitudes are never understood to be ſpecially disponed or warranted unleſs it be so exprest and ſo does never fall under an action of recourse upon eviction Nor does eviction properly take place upon a declarator of immunity for the definition of eviction in Law is Rei nostræ ab adversario recuperatio, and a declarator of immunity can not fall under that definition not being the recovering of any positive right to the heretor but only the free enjoyment of his own Quarto The law is very plain in the case of all Servitudes That they do not fall under eviction unleſs it be so particularly exprest As if a man ſhould sell Lands that were ſubject to a servitude and ſhould pursue for eviction of that ſervitude he would not be lyable unleſs he had disponed the

Lands tanquam optimum maximum And were ſpecially oblidged in case of eviction Leg: 59, ff: de contrahen: emption: and more expreſsly Leg: penult: ff: de evictionibus And it was so decided upon the twenty first of June I^m vj^c^ and ſeventy two years Sandilands contra the Earl of Haddingtoun Where it was found that Lands disponed with absolute warrandice did found no recourse albeit they were ſubjected to a thirlage Quinto Whatever might be pled to found a recourse if Lands disponed were found burdened with a Servitude yet there is far leſs to be ſaid for oblidgeing the disponer to the eviction of a ſervitude upon other men's lands for the Law ſtates a clear difference in these cases Leg: 90, and Leg: 169, ff: de verborum ſignificatione quī uti optimæ maximæq, sunt ædes tradit non hoc dicit ſervitutem illis deberi sed illud ſolum ædes ipſas liberas eſse hoc eſt nulli ſervire And as it has been found that a clause of abſolute warrandice of the Lands and pertinents does not import that the ſame are free of ſervitudes or that the Disposition is tanquam optimum maximum doth only import that no ſervitude affects the ſame but that it imports and inferrs no oblidgement or warrandice that there is any Servitude due to the ſame out of other mens Lands And the reason is clear Because Actions of eviction do only arise upon a positive burden that is found to affect the ſubject disponed Whereas a declarator of immunity of a neighbouring tenement is no positive burden but a freedom It was farder et seperatim alleadged for the defendar that he cannot be lyable for the eviction Because it is a principle in law, That Exceptiones ex persona emptoris objectæ sī obstant venditor de evictione ei non tenetur Leg: 27, ff: de evictionibus And here the Earl of Panmures immunity was founded upon a personal objection against the pursuer viz. That the pursuer who was heretor of the Craig of Brughtie did purchase a proper wadset of the Lands now belonging to the Earl So that the pursuer being heretor of both tenements dominantis et ſervientis, res ſua nemini ſervit And the years that the pursuer was heretor of both were expreſsly found by the Lords to be deduced from the years of prescription So that albeit the pursuer proved fifty years poſſeſsion yet subduceing ſeven years minority and four years of the pursuers poſſeſsion of the wadset lands there remains only thirty nine years Whereupon the Earls lands were declared free Whereas if these wadset lands had not been poſſeſsed by the pursuer the prescription had run and was compleat, From which the defender argues Primo That the objection was personal against the pursuer And that the immunity is personal to the Earl as to his proper lands Whereas the other hereſors who have no minority or personal objection against the pursuer are still ſubject to the exaction Secundo et seperatim the Earls immunity did arise from the pursuers fault and mismanagement As appears from the particulars following viz. Primo The pursuer did alter the method of exaction And whereas the dues were formerly received at Brughtie castle he did unwarrantably exact the ſame at the croſs of Dundee and thereby created disturbance to the mercat and offence to the persons lyable and by changeing the manner of poſſeſsion did weaken the right Secundo The pursuer did groſsly mismanage the proceſs in ſo far as there were ſeveral old witneſses who would have deponed on more then sixty years poſſeſsion if they had been interrogat and one did actually depone upon the ſame But the pursuer did neglect to examine the other old witneſses thereon albeit he knew both his own poſſeſsion and the Earls minority and albeit the old concurring witneſses deponed in general terms that the poſſeſsion had been since his memory and he was aged eighty two Yet the Lords found that the memory of man in general is understood to be fourty or fifty years And that the ſaid particular witneſs haveing deponed ſpecially on fifty years the generality of his depoſition ſince his memory was not to be extended further Whereupon the pursuer gave in a bill acknowledgeing his omiſsion in not offering a ſpeciall interrogator to that witneſs how many years he did remember that poſſeſsion And that if he had been specially interrogat he would have concurred with the other two witneſses who deponed upon sixty years and ſo compleated the prescription And therefore Craved that his deposition might be conjoyned Which was refused Whereby it appears that the purſuers omiſsion to interrogat the witneſs was the direct occasion of the decreet of immunity And he did not ſo much as desire the witneſs to be reexamined for clearing his former deposition And in this case the size fiſh is not warranded at all for they are neither mentioned in the oblidgement to infeft procuratory of resignation nor clause of warrandice; For the procuratory of resignation does only resign the lands and fiſhings And the Oblidgement to infeft is in the ſame terms And the clause of warrandice warrands only the Lands and fiſhings but mentions not the size fiſh which is of a very different nature from fishings which is a positive right Whereas size fiſh is but a burden or ſervitude on another man's property which does not paſs by infeftment nor is capable thereof there being no Symboll in the procuratory of ſeasine of the size fiſh but only for the Lands and fiſhings And lastly protestations for remede of law ought not to be allowed for every trivial case but where there is palpable and manifest injustice which cannot be alleadged in this case the decision being on a clear point of law decided according to the points of law and the constant tenor of decisions in such cases To which it was quintuplyed by the ſaid Mr Francis Grant Primo The defender haveing warranted that the Right was ſufficient at the time

of the disposition he cannot quarrell the eviction upon any posterior emergent that could found a defence against the prescription for if the right had been constitute at the time of the disposition there had been no need of any posterior posſeſsion to compleat prescription Secundo The plea being intimat to the defender he ought to have compeared and defended and can never quarrell any mismanagement Tertio The warrandice in the Lord Gray's disposition to Pourie does expreſs the size fish in so far as in the first place it warrands the infeftment or either of them But so it is that the size fiſh are in the infeftments And in the next place the Oblidgement to infeft in the fiſhing preceeds and then follows the Warrandice relative thereto But ſo it is that the word fishings is in the plural number and therefore must include all the fishings before exprest In the next place as an evidence hereof if it were otherwayes there could be no recourse upon eviction even of the ſalmond fiſhing which the Lord Gray himself acknowledges to be absurd And in the fourth place there needed no clause of warrandice since the disposition bears expreſsly that the price was payed as the full availl of the size fish And it is plain that ex natura rei Warrandice is allwayes competent where the disposition is for an onerous cause The Consideration and Advising of which debate being upon the ſaid fourteenth instant delayed till the next Sederunt of Parliament And the said High Commiſsioner and Estates of Parliament haveing this day again met And the consideration of the foresaid action and cause being again moved And the ſamen resumed to them and they haveing heard the foresaid lybell haill debate and advised the ſame with the foresaid contract of wadset betwixt the ſaid Lord Gray and Mr James Kid of Craigie and the foresaid disposition granted be the ſaid Lord Gray to the ſaid David Fothringhame of Pourie and haill other writts abovementioned produced be the ſaid pursuer and alleadged on hinc inde With the foresaid decreet pronunced be the said Lords of Councill and Seſsion And they being all upon this instant day heard ſeen and considered by her Majesties high Commiſsioner and Estates of Parliament And being therewith well and rypely advised They Adhered and hereby Adhere to the foresaid decreet Absolvitor pronunced by the ſaid Lords of Councill and Seſsion in favors of the ſaid Patrick Lord Gray defender against the ſaid now deceased David Fothringhame of Pourie of the date the eleventh of february Imo vjc and ninety two years And therefore Aſsoilzied and hereby Aſsoilzies the ſaid Lord Gray Defender from the foresaid Appeal for remede of Law made by the said deceased David Fothringhame of Pourie to the Parliament from the ſaid Lords of Seſsion ag[t] the foresaid decreet Absolvitor pronunced by them as ſaid is And also from the foresaid proceſs and action of reduction of the ſaid decreet Absolvitor raised and intented before the ſaid Parliament at the instance of the ſaid David Fothringhame of Pourie and thereafter insisted in by the ſaid Thomas Fothringhame now of Pourie against the said Patrick Lord Gray defender in manner abovementioned ſimpliciter And Decern and Declare the said Patrick Lord Gray defender quite thereof And free therefrae now and in all time comeing.

PETITION for the Earl of Melvill for changeing the high way about Melvillhouse in favors of his planting and inclosures read, and the desire thereof granted And the new way ordained to be made at sight of the Justices of Peace for the ſhire of Fyfe in manner following.

Act in favors of the Earl of Melvill

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of George Earl of Melvill humbly Shewing unto them That there being several Acts of Parliament ordaining all heretors wadsetters and liferenters within the Kingdom to park ditch and inclose ground and to plant the ſame with trees In obedience to which Acts and for the encouragement of others to do the like the Petitioner hath enclosed diked ditched hedged and planted a considerable piece of ground about the house of Melvill And it being impoſsible to preserve the dykes hedgeing ditching and planting except the roads or wayes leading through the petitioners parks upon the west side of his house of Melvill be changed and turned about the said ditches and park dykes where the Leidges who have occasion to travell may have as commodious a way and almost as near as the others which were formerly used through the ground now inclosed And since the casting the said wayes about the Petitioners said parks may be a mean to preserve his planting and that the Parliament have granted Acts of the ſame tenor and nature particularly in favors of the Lord Roſs and the Laird of Hopetoun Therefore Craveing that his Grace and the honourable Estates of Parliament would grant an Act in the Petitioners favors allowing him to stop the said wayes which formerly led through his parks and to ordain the Leidges who have occasion to travel that way to go about his parks and inclosures that his planting and policie may not be dammified or prejudged as the ſaid petition bears And her Majesties high Commiſsioner and Estates of Parliament foresaid haveing this day fully considered the abovewritten petition and being therewith well and ripely advised They have Allowed and hereby Allow the Petitioner to stop the former way that leads through his parks And have Ordained and hereby Ordain the Leidges that have occasion to travel that way to go about the Petitioners parks and inclosures that thereby his planting ditches hedges and other policy may not be dammified nor prejudged And have Ordained and

do by thir presents Ordain a new way to be appointed about the abovementioned parks inclosures and ditches and that at ſight of the Justices of Peace of the ſhire of Fyfe.

[Burgh of Glasgow] THE Act formerly offered in favors of the Burgh of Glasgow, read.

[Order of Procedure] RESOLVED that these Acts that are offered in favors of particular Burghs be considered the first Sitting of Parliament for privat buſineſs.

[Cochran of Ferguslie] PETITION by William Cochran of Ferguslie for an abatement of his tack duty of the pole tax, read, and ordered to ly on the table untill the Committee for inspecting the public accounts be named.

[Captain Boswell] PETITION by Captain Boiswell and other officers and Seamen who ſerved on board her Majesties ſhip the Royal Mary complaining of abuse of the publict faith by the ſaid William Cochran in keeping up their pay and anent ſome of their arrears, read, and he ordained peremptorly to make answer thereto the next Sitting of Parliament for privat affairs.

[Laird of Moristoun] RESOLVED that the petition for the Laird of Moristoun be considered the first Sitting of Parliament for privat affairs.

[Callender ag^t Higgins] A WARRAND granted upon a petition offered by John Callendar of Craigforth for citeing Mr Alexander Higgins Advocat to insist in his depending Action for remeed of Law against him, And Mr Higgins ordained to answer it the first Sitting of Parliament next week With certification &c.

[Election for West Lothian] THE consideration of the Elections for the ſhire of West Lothian, resumed, And the Objections and reply against John Hamilton of Grange insisted in After adviseing the ſame and the answers and duplys made thereto with the writs produced for instructing thereof The vote was stated Sustain or Repell and carried Sustain. The objection against George Dallas of Parkley that he instructed not his right to fourty ſhilling Land of old extent distinct from the few-duties nor to Lands lyable in publict burdens for four hundred pounds of valued rent, And the answer being considered with an Extract from the valuation books of the ſhire bearing the Lands to be valued to four hundred and two pounds, The objection was Repelled without a vote. The Objection against Mr Thomas Rig of Rigland that he was but an adjudger not in poſſeſsion the Lady Cardroſs being in poſſeſsion of the Lands and uplifting the rents, And the answers being considered with the instructions, The objection was ſustained without a vote.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Saturday next at ten a clock.

JUNE XIX, M,DCC,III.

PRAYERS said The Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Minut for the seventh current anent the Act Ratifieing the turning the Meeting of Estates into a Parliament be amended as to an omiſsion which happened at the reading thereof, And thereupon Ordered that the clause of that Act declareing it high treason to Quarrell Impugn or Endeavour by writing malicious and advised ſpeaking or other open act or deed to alter or innovat the Claim of Right or any article thereof be insert at full length in the ſaid Minut and that it be reprinted accordingly.

[Election for West Lothian] THE Contraverted Elections for West Lothian being again called Sir Walter Pringle as Advocat for Livetennant General Ramsay past from the Objection against Sir John Houstoun of that Ilk; And the Objections against the Electors of the Lieutennant General being insisted in he past from the vote of Patrick Dundaſs of Brestmill. The objection considered against Robert Broun of Colstoun that he was only a singular Succeſsor in a Superiority and not in poſſeſsion with the answer That being infeft as Superior his vaſsalls poſſeſsion ought in Law to be accounted as his poſſeſsion; The vote was stated Sustain or Repell the objection and carried Repell. The objection against Andrew Paterson of Kirktoun that he ſtood not infeft in a fourty ſhilling land of old extent nor in a Land of four hundred pounds valuation being considered with the answer that he was infeft & in poſſeſsion of more than a third part of the Barony of Bathgate which was Retoured as a ten merk land of old extent; Upon adviseing the Instructions of the answer the Objection was ſustained without a vote.

THE objection against John Binning of Drumcroſs that he ſtood not infeft in a fourty ſhilling land And the answer that he was infeft and in poſſeſsion of more than a third part of the Ten

merk land of Drumcroſs, the old extent of which was offered to be instructed by an Extract of the Tax roll in the year I^{m} vj^{c} and thirteen And it being Replyed that he could not have a third part of the said ten merk land the haill being valued to a thousand and pounds And his Lands only to Two hundred and sixty pounds; And Duplyed that the thousand and odd pounds valuation comprehended another Drumcroſs which was a part of the Barony of Barbachlay and no part of that Drumcroſs recorded as a ten merk land in the tax rolls; Parties procurators were ordained to inform thereanent against the next Sitting of Parliament.

[Security of the Kingdom] RESOLVED that the Act for Security of the Kingdom be farder considered the next Sitting of Parliament before any other buſineſs whatsoever; And then that the remaining objections at the Election for West Lothian be discuſsed.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XXII, M,DCC,III.

PRAYERS said Rolls called.

THE Minuts of the last Sederunt read.

[Election for West Lothian] ORDERED that all writs to be founded upon for either party or voter in the competeing Elections for West Lothian be given to the Clerk of competition betwixt and ten a clock to morrow to the end either parties Procurators may have inspection thereof before the next Sitting of Parliament, With certification that the ſaid Contraverted Election ſhall be then determined peremptorie.

[Security of the Kingdom] THERE being four ſeveral Overtures in form of Acts for Security of the Kingdom presented and read: Her Majesties Solicitors were allowed to cause print these Overtures that copies thereof might be delivered before Thursday next at ten a clock for the information of the members.

[Leesing makers] THE Act anent Leesing makers and Slanderers, read, and ordered to be marked a first reading.

[Public Accounts] THE draught of an Act and Commiſsion of Parliament for inspecting the publict accounts, presented and read.

[Drawback of Customs] OVERTURE in form of an Act for the more effectual payment of the drawback of customes imposed upon exported victual presented and read.

THE draught of an Act anent Copper coin read. [Copper coin]

THE draught of an Act anent Coalgiers, read. [Coalgiers]

AGREED that the two actions for remede of Law the one at the instance of Robert Hepburn against George Suttie and the other at the instance of John Callendar against Mr Alexander Higgings be heard next Sitting of Parliament for privat buſineſs. [Hepburn ag^{t} Suttie & Callendar ag^{t} Higgins]

AN other draught of an Act for a Commiſsion to examine the publict accounts, read. [Public Accounts]

THE draught of an Act in favors of the Inhabitants of the Isles of Orkney and Zetland, read. [Orkney & Zetland]

THE draught of an Act on the report of a Committie for makeing up the tenor of burnt writs in favors of Anna Cockburn, read and ordered to be marked a first reading. [Anna Cockburn]

THE Petition for the Burgh of Lanerk read again And the Petitioners ordained to condescend on the customes related to in the petition. [Burgh of Lanerk]

OVERTURE in form of an Act anent the Alimenting prisoners for debts; and another for Exportation of Pork; and a third for preventing the disloyal cureing of Salmond, presented and ordered to be read the next Sitting of Parliament. [Acts read]

AGREED that the Overtures prepared by the Laird of Stonywood for improveing woollen manufactories be read the next Sitting of Parliament. [Woollen Manufactories]

THE Act prohibiting Butchers to be grasiers read again and ordered to be marked a first reading. [Butchers & Grasiers]

AN overture for exporting Sheep ſkins and Lamb skins read and ordered to ly on the table. [Lamb skins]

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XXIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Condescendence of the custom mentioned in the petition for the Burgh of Lanerk, given in. [Burgh of Lanerk]

[Election for West Lothian] THE Contraverted Elections for West Lothian being called and the objection against the vote of John Binning of Drumcroſs insisted in the Advocats for both parties were heard thereon, and the writs produced to verifie their respective alledgeances considered And then the vote stated Sustain or Repell the objection, carried Sustain; After which Thomas Sharp of Houstoun being found legally elected, took the oath of alledgeance and oath of Parliament, and ſubscribed the Alledgeance and Aſsureance.

Order for considering how the house may be best fitted for Accommodation of the Members ORDERED that the Earl Marischal and ſuch members of Parliament as ſhall please to attend him do meet in the Parliament house at eleven a clock in the forenoon the first day of intervall of Parliament and consider how the house may be best fitted for the accommodation of the members and make a report thereanent the next Sitting of Parliament.

[Regulations 1695] AN Overture in form of Act Rescinding the thirteenth Article of the Regulations I^m vj^c^ and ninety five, read, and ordered to ly on the table.

[Burgh of Culroſs] PETITION for the Burgh of Culroſs, relating to the ſtent of the said Burgh read and ordered to ly on the table.

[Inverneſs & Roſs against Forbes of Culloden] PETITION for the Heretors of the ſhires of Inuerneſs and Roſs against Duncan Forbes of Culloden relating to the Exciſe of Aquavitie browen within his Lands of Ferrintosh, read, And he ordained to see and answer the petition the ſecond day the Parliament ſhall ſit next week.

[Election for Caithneſsshire] MOVED that the Objection against James Sinclair of Stempster as Commiſsioner for the ſhire of Caithneſs might be considered And thereupon the Advocats for the Objectors and for him being called, It was alledged for Stempster that the Objection could not be received unleſs there were ſome Freeholders from that Shire present to insist in it or ſome legal Mandat from a party haveing interest for that effect, And there being a miſsive Letter from Sir William Dumbar of Hemprigs one of the Freeholders to Mr Robert Fraser produced and read, giveing him warrand to insist in the Objection and an order alledged upon from the Minuts of the fifeteenth ordaining Stempster to produce the writs for instructing his freehold, The Advocats for Stempster craved to see the miſsive Letter till the next Sitting of Parliament, Whereupon the vote was stated Proceed or Delay and carried Delay.

RESOLVED that the Parliament proceed to diſcuſs the remaining Contraverted Elections at their first meeting, and the next thereafter proceed to consider the Act for Security of the Kingdom.

ORDERED that all Acts marked a first reading be printed.

THE Lord Chancellor by order of her Majesties high Commiſsioner, Adjourned the Parliament till Saturday next at ten a clock.

JUNE XXVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt, read.

[Laird of Moriſtoun ag^t^ Sir James Cockburn] AGREED that the Action at the Laird of Moriſtoun's instance against Sir James Cockburn be first heard the first day the Parliament ſhall proceed upon privat affairs.

[Fitting of the house] RESOLVED that the Earl Marischalls report anent the fitting of the house for the better Accommodation of the Members be taken the next Sitting of Parliam^t^.

[Mr Seaton] ORDERED upon a Complaint against one Mr Seaton Enſigne in the foot guards that he and the witneſses present at his alledged challenging Sir Robert Dickſon of Inuerask and David Sutherland of Kinnald for voteing against the Lieutennent General Ramsay, in decideing the debateable Elections of West Lothian be cited to Compear the next Sitting of Parliament peremptorie.

[Burgh of Lanerk] THE Petition for the Burgh of Lanerk with the Condescendance of the customes to which it referrs, read, and ordered to be read again the next Sitting of Parliament.

[Anent Electing Commiſsioners yearly] OVERTURE in form of an Act for makeing the Elections of Commiſsioners to Parliament in the ſeveral Shires and Stewartries yearly at the Michaelmaſs head Courts read and ordered to ly on the table.

Remit to the ſhire of Caithneſs for electing a Commiſsioner in place of James Sinclair of Stempſter THE objection against James Sinclair of Stempster Commiſsioner for the ſhire of Caithneſs considered and the Instrument taken thereupon at his Election, read, And the Advocats for and against him being called and heard the Answer founded on the defects of a Mandat was insisted in viz. That the Letter was not formally dated, wanting the place

at which it was ſubscribed, nor mentioned the name of any mandatar who ſhould be lyable in the penalty of Law in caſe he ſuccumbed in the objection, howbeit both a place and a name be written in the letter; And that his right was a charter and ſeasine upon an adjudication in the person of his father disponed to his elder brother With a provision of ſubstitution to him by vertue whereof he being in poſſeſſion as heir to his brother had right to Elect and be Elected And it being Replyed that the Letter was both ſufficiently dated and directed to Mr Robert Fraser who sisted himself lyable to the penalty in the terms of the Act of Parliament Imo vjc4 and eighty one years, And that the apparency in this case (supposeing the poſſeſſion) could give no such right being only heir or appearand heir to a brother who himself was only a ſingular ſucceſſor in the Adjudication and never infeft in the Lands adjudged ſo that he was neither apparent heir to a freeholder infeft nor infeft himself on the ſingular title; After adviseing the vote was stated Sustain the Commission or Remit to the ſhire to elect another, and carried Remit.

[Election for Orkney] THE contraverted Elections for the Stewartrie of Orkney called, and the Advocats for either party being heard the objection was made against the Elections of Sir Archbald Steuart of Burray and Alexander Douglaſs of Egilshaw that there was no legal intimation for certiorating the freeholders, And it being answered that the Election was at the Michaelmaſs head court and ſo needed no previous intimation, And Replyed that there was never a Michaelmaſs head court held in Orkney, And Duplyed that the Act of Parliament appointing the annual Elections at the Michaelmaſs court was ſufficient both for a warrand and intimation of the preseut Election; and Triplyed that the constant custom of Orkney was to hold the first court after Michaelmaſs on the ſecond day of November And therefore this Election being at Michaelmaſs cannot be understood to have been at the Michaelmaſs head court, And Quadruplyed that the Act of Parliament makes the Michaelmaſs head court to be the first Court after Michaelmaſs day And this Election haveing been made upon Michaelmaſs day must be understood to have been as it ought in Law to be the first Court after Michaelmaſs; The minuts of the Court of Election and the Instruments and Protestations taken thereat with a protestation taken thereafter against the Clerk of the Court were then read and the vote stated Sustain or Repell the objection and carried Repell After which Sir William Craigie of Gairsey and Henry Graham of Braikneſs haveing withdrawn their Commiſsions and offering to object against Egilshaw as being incapable to Elect or be Elected And there being no furder objection against Sir Archbald Steuart he was admitted as legally elected and took the oath of alleadgeance and oath of Parliament and ſubscribed the Alledgeance and Aſsureance accordingly.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliam[t] till Tuesday next at ten a clock.

JUNE XXIX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Order of procedure] RESOLVED that the remaining Contraverted Elections, as well that of the Laird of Egilshaw for the Steuartry of Orkney as these for the Burghs of Haddingtoun, Kirkaldie and Aberbrothock be determined immediatly after adjusting the Act for Security of the Kingdom without the interveening of any other affair whatsoever.

Absolvitor in favors of Ensigne Seton THE Complaint against Ensigne Scaton being called he was brought to the bar and the names of the witneſses adduced for proveing the grounds of the Complaint with the interrogators whereupon they were to be examined read in his hearing after which the Witneſses were called and deponed; And the Complaint being found not proven by their testimonies, the Ensign was absolved.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JUNE XXX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Lord Belhaven & Sir Alex[r] Ogilvie] PETITION by the Lord Belhaven and Sir Alexander Ogilvie both in custody by order of the Lord high Constable, being read, wherein they Acknowledged their fault by unbecoming expreſsions and other undutifull behavior in the house, and intreated her Majesties high Commiſsioner and the Estates might be pleased to pardon their offence and that they might be reponed to their Seats as members of Parliament: Her Majesties high Commiſsioner Signified from the throne that since the petitioners had made such humble ſubmiſsion and given ſuch ſatisfaction for their offences he would not ſtand in the way of what favour the Estates might incline to ſhew them Whereupon the Lord high Constable was ordered

to cause the officer of his guard to bring the Petitioners before the Parliament And they being accordingly brought to the barr and Craveing pardon of his Grace and the Estates for their offence in the terms of their Petition the desire thereof was granted as follows.

Act in favors of the Lord Belhaven, & Sir Alexander Ogilvie.

HER Majesties High Commiſsioner and the Estates of Parliament haveing heard the petition of John Lord Belhaven and Sir Alexander Ogilvie of Forglen Humbly Shewing unto them That the Petitioners haveing been ſo unfortunat as to incurr the displeasure of her Majesties Commiſsioners Grace and the honourable Estates of Parliament by unbecoming expreſsions and other undutifull behaviour for which they are most heartily ſorry and grieved Therefore they did in all humility Acknowledge their faults and did Crave pardon of her Majesties Commiſsioner and the Estates of Parliament for the offence committed by them And did intreat that their most humble ſubmiſsion might be received and they reponed to their places in Parliament as the said petition bears, Which petition Her Majesties high Commiſsioner and the ſaid Estates haveing Considered And haveing also heard the petitioners acknowledgement of their offence in the terms abovewritten They have Accepted and hereby Accept of the petitioners Acknowledgement have Pardoned and Forgiven and do by thir presents Pardon and Forgive their offences and Reponed Likeas they do hereby Repone the Petitioners to their respective places in Parliament.

[Sir Alexr Dalmahoy]

PETITION by Sir Alexander Dalmahoy of that Ilk, read, and ordered to ly on the table till next Sitting of Parliament.

THE Petition for the Burgh of Lanerk read, and the desire thereof granted for nineteen years from this date in manner following.

Act in favors of the Burgh of Lanerk

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of the Magistrats & the Burgh of Lanerk Humbly Shewing unto them That whereas the Burgh of Lanerk has been at a vast Expence in building a bridge over Clyde it being frequently unpaſsable at that place either by boat or foord (there haveing severals perished there within these few years) and that by reason of the great repair and the violent current of the water it will require frequent reparations which the petitioners are unable to do unleſs they get ſome fond for it And therefore Craveing His Grace and the honourable Estates of Parliament to grant an act in favors of the Petitioners allowing them the custome thereof And Ordaining the ſame to be payed by each paſsenger at the ſame rate as is payed at Bothwell bridge or Clydes bridge which are within the ſame ſhire And to grant the Petitioners the like priviledges which have been granted to either of them By which the Petitioners will be enabled to maintain the bridge for the ease and safety of all who paſs this road as the ſaid petition bears, Which Her Majesties high Commiſsioner and the said Estates of Parliament haveing this day fully Considered They have Granted and hereby Grant the desire thereof and Ordained and hereby Ordain the Customes aftermentioned to be payed to and uplifted by the Petitioners to the effect abovewritten viz. Twelve pennies Scots of every horse and load Eight pennies Scots of every cow and horse Two pennies Scots of every ſheep and Two pennies Scots of every footman that ſhall paſs alongst the ſaid bridge And this imposition to Continue for the ſpace of Nineteen years after the date hereof.

[Warrand for citing the heretors of Ashkirk]

A WARRAND granted to Sir Gilbert Elliot for Citeing the Minister and heretors of the paroch of Ashkirk to insist in their Action for remede of Law against him With certification.

[Anna Cockburn]

THE Act for makeing up the tenor of burnt writs in favors of Anna Cockburn read a second time then put to the vote and approven.

[Leesing makers]

THE Act anent Leesing makers and Slanderers being read a ſecond time with the ſeveral Acts of Parliament to which it referrs was after reasoning upon some of these Acts put to the vote and approven.

Order for burning a book published by James Drake

ORDERED That a book published by the title of Historia Anglo Scotica by James Drake M. D. and dedicated to Sir Edward Symour containing many false and injurious reflections upon the Sovereignity and Independency of this Crown and Nation be burnt by the hand of the common Hangman at the mercat croſs of Edinburgh at Eleven a clock to morrow, And the Magistrats of Edinburgh Appointed to see the order punctually executed.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourns the Parliament till to morrow at ten a clock.

JULY 1, M,DCC,III.

PRAYERS said The Rolls called.

Protestation the Earl Marischal

MINUTS of the last Sederunt being read, The Earl Marischall protested That what is mentioned in these Minuts relating to the Exercise of the

Lord high Constables office might not prejudge his right as Earl Marischall since he had the jurisdiction as to delinquencies committed within the doors of the house conform to his ancient rights and altho his writs were not now at hand to instruct his right, He would not fail in due time to clear both his right and poſſeſsion.

Protestation the Earl of Erroll

WHEREUPON the Earl of Erroll Protested his right and poſſeſsion might remain intire and not be interrupted by such a protestation founded upon the production of no right nor document to instruct the Earl of Marischals ever haveing poſſeſsed any ſuch jurisdiction.

[Act for Security]

THE Act for Security of the Kingdom being read It was agreed that the Act ſhould be considered paragraph by paragraph, And the first paragraph being accordingly read, the farder consideration of the Act was continued untill the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY II, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security]

THE consideration of the Act for Security being Resumed The vote was ſtated If the Parliament ſhould first consider of the Meeting of the Estates or where the Government ſhould be lodged dureing the interval before their meeting And carried that the Meeting of Estates should be first considered, And there being ſome progreſs made therein, The farder consideration of the Act was Continued till the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

JULY V, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security]

THE Act for Security of the Kingdom farder considered, And a clause added excludeing Papists from being members of the Meeting of the Estates mentioned in the act And after long reasoning upon ſome other motions and amendments the consideration thereof was continued till the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY VI, M,DCC,III.

PRAYERS ſaid The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security]

THE consideration of the Act for Security being resumed, A clause was offered in writing that no English man or forreigner haveing a Scots title and not haveing an Estate of Twelve thousand pounds yearly rent within this Kingdom ſhall in the event foresaid have place and vote in the Meeting of Estates, And after reasoning thereon the vote was ſtated Add the clause or not; But before aſking the vote The Marqueſs of Athole Lord Privy Seal protested in behalf of himself and all other Protestant Peers who ſhall adhere to his protestation That the Excludeing of the English who are Scots Peers from sitting & voteing at the Meeting of Estates after her Majesties decease ſhall not be a preparative or be any wayes prejudicial to the undoubted right of all Scots Protestant Peers their sitting and voteing in all Parliaments and Conventions in time comeing, And accordingly the Earls of Erroll, Marischal, Mar, Mortoun and Sir David Cunninghame in name of the Earl of Glencairn absent, The Earls of Home, Strathmore, Kelly, Lauderdale, Aberdeen, Dunmore and Ruglen, The Lord Secretary of ſtate and Viscount of Stormont adhered to the protestation. And thereafter The Marqueſs of Annandale Lord President of the Councill The Duke of Argyle and The Earl of Kincardine Protested that the vote might not be prejudicial to the priviledges of the Peers of Scotland whither they be Scots men or Engliſh or to their peerage in any ſort; Then the vote was asked, and Carried in the affirmative.

Protestation the Marqueſs of Athole

Protestation the Marqueſs of Annandale, Duke of Argyle and Earl of Kincardine

MOVED that an oath be insert in the Act to be taken by the members of the Meeting of Estates, And accordingly the form of an Oath was presented in writeing to maintain the true Reformed Religion and the Claime of Right, Which being read and considered, After debate the vote was stated Proceed or Delay and carried Proceed And then after ſome farder debate it was agreed that nothing ſhould be moved concerning an oath to be insert in this act untill all the other clauses of the Act be adjusted.

THE Lord Chancellour by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security] THE Act for Security proceeded in And a farder clause being read, It was moved that such limitations as ſhall be thought neceſsary to be put upon the ſucceſsor might be considered, And after ſome reasoning anent these limitations in general there was a particular clause offered in Writing that this Kingdom ſhall not be engaged in any war or continue in the ſame but by advice and consent of Parliament, And that all treaties wherein this Nation may be concerned be managed and transacted by Natives thereof commiſsionat and instructed by advice and consent of Parliament or Privy Council in the intervall of Parliament and accountable thereto; After reading whereof and a long debate thereupon the vote was first stated in these words, Insert any limitations upon the ſucceſsor in this Act Yea or No, And being thereafter ſtated in these words Add the clause anent peace or war in this act Yea or No, The vote was stated Whither the first state or the ſecond ſtate ſhould be voted and Carried that the first state ſhould be voted; Which first state being then put to the vote, It carried in the negative.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till friday next at ten a clock.

JULY IX, M,DCC,III.

PRAYERS said The Rolls called.

JAMES Hamilton of Aikenhead as one of the Commiſsioners for the ſhire of Lanerk took the oath of alledgeance to her Majestie and oath of Parliament, and subscribed the alledgeance and aſsureance.

THE Minuts of the last Sederunt read.

[Order of procedure] MOVED That there be a resolve of Parliament that after the Act for Security of the Kingdom is adjusted and voted, and the Contraverted Elections mentioned in the former resolve are considered the Parliament will take into consideration and determine a motion now lying upon the table concerning the power of makeing peace and war preferable to all other matters and motions nothing to interveen And after debate the vote was ſtated in these words Resolve or Not And thereafter stated in these words Make the resolve or Proceed upon the act, And the Question put, Whither the first state or the ſecond ſhould be voted, It carried that the first state ſhould be voted Then the Question put Resolve or Not was Carried in the affirmative.

THE Act for Security farder proceeded in and ſome clauſes being added It was considered If the heir of her Majesties body or the ſucceſsor declared were in Under-age how long in that case a Regency ſhould continue; And after reasoning upon the question If it ſhould terminat when the heir or ſucceſsor attained the age of Seventeen years compleat or should continue untill their age of Twenty one years compleat, The vote was ſtated Seventeen or Twenty one, and carried Seventeen years compleat. [Act for Security]

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

JULY XII, M,DCC,III.

PRAYERS said The Rolls called.

THE Lord Blantyre took the oath of alledgeance to her Matie and oath of Parliament and subscribed the alledgeance and aſsureance.

THE Minuts of the last Sederunt read.

THE act for Security farder proceeded in, and the time and manner of the Regency to be settled by the Meeting of the Estates in the events provided for in the Act being considered; It was moved that the time dureing which the Regent or Regents to be named by the Estates were to continue might be determined, And the question being put If that time ſhould be now determined or Remitted to the Meeting of the Estates, The vote was accordingly stated Determine or Remit, and carried Remit; After which ſome other clauses of the act were adjusted. [Act for Security]

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XIV, M,DCC,III.

PRAYERS ſaid *The Rolls called.*

THE Minuts of the last Sederunt read.

THE Act for Security proceeded in, And it being moved that the clause Impowering the Meeting of [Act for Security]

the Estates to declare a Succeſsor to the Crown of the Royal line and of the Protestant Religion might receive the addition of these words viz. Of the true Protestant Religion as by law established within this Kingdom; It was also moved that the matter being of such import the consideration of that part of the clause might be delayed till the next Sederunt Whereupon the vote was stated Proceed or Delay and carried Proceed After which the question being first stated Add to the clause or not; It was moved That the state might rather be Add these words to the clause or Rest upon the Security by the Coronation oath And the vote being asked Whither the first state or the second ſtate ſhould be voted, Carried that the second ſtate ſhould be voted, Then the vote was asked in these terms Add to the clause or Rest upon the Security by the Coronation oath, and carried Rest upon the Security by the Coronation oath.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till friday next at ten a clock.

JULY XVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Lady Edinglaſsie ag^t Laird of Pourie] PETITION of the Lady Edinglaſsie against the Laird of Pourie presented and ordered to ly on the table till the next Sitting of Parliament.

[Act for Security] THE Act for Security proceeded in and a clause offered in write, 'Provideing the Succeſsor to be named by the Meeting of the Estates (in the event mentioned in the act) be not the Succeſsor to the Crown of England unleſs that in this Seſsion of Parliament there be ſuch conditions of Government settled and enacted as may ſecure the honour and independency of the Crown of this Kingdom the freedom frequency and the power of the Parliament and the Religion liberty and trade of the Nation from the English or any forraigne influence'; And upon debate If the clause ſhould be added to the act The vote was ſtated Proceed farder on the consideration of this clause in this act Yea or No, and carried Proceed: And accordingly after ſome farder consideration of the clause the Lord Chancellor declared That the matter not being ripe for a vote and that it was now late it might be marked in the Minuts that the Parliam^t ſhould reſume the farder consideration of the clause before any other buſineſs next Sederunt; And then by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED by some Lords and other members that the Protest taken on Friday last against the Adjournment of the Parliament as a breach of priviledge and interruption of their reasoning may be marked in the Minuts; It was declared by the Lord Chancellor that there was no manner of design by that Adjournment to incroach upon the priviledges of Parliament; but it being then late and ſundry of the members preſsing for a delay, the Adjournment followed; But it was expreſly declared that the debate was to be resumed the next dyet of Parliament: Upon which declaration the said Lords and other Members rested ſatisfied and declared they had no other intention in useing that protestation but singly for conſervation of the priviledge of Parliament: Whereupon the Parliament resolved to proceed where they left.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY XXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

A WARRAND granted on the Petition of the Lady Edinglaſsie for Citeing the Laird of Pourie to insist in his action for remede of law against her with the usual certification. [Lady Edinglaſsie]

[Act for Security] THE Act for Security proceeded in, and the clause offered in write and proceeded upon the former Sederunt being farder considered a new clause was offered: 'Provideing that after her Majesties decease without heirs of her body the ſame person ſhall in no event be capable to be King or Queen of both Kingdoms of Scotland and England unleſs a free communication of trade the freedom of Navigation and the liberty of the Plantations be fully agreed to and eſtabliſhed by the Parliament and Kingdom of England in favors of the Subjects and Kingdom of Scotland at the sight and to the ſatisfaction of this or any ensueing Parliament of Scotland or the said Meeting of the Estates': After reading whereof it was moved that the house might be regulat and the ſeveral members appointed to take their proper seats Whereupon the vote being stated Proceed in the Act or to the Regula-

tion of the house carried Proceed in the Act; And accordingly after long reasoning on the two clauſes under deliberation the question was first ſtated Add both clauſes to the Act Yea or No And being thereafter stated Proceed or Delay, The vote was asked whither the first state or the ſecond ſhould be put to the vote and Carried that the ſecond ſtate ſhould be put to the vote; Then the question being voted Proceed or Delay it carried Delay.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security] THE Act for Security proceeded in and a clause offered comprehending both the clauses which were formerly under consideration, And there being another draught offered of the ſame clause with ſome alteration After much debate upon these clauses the vote was at length ſtated Proceed or Delay; and carried Delay.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

JULY XXVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read,

[Act for Security] THE Act for Security proceeded in, and the draughts of the two clauses offered the former Sederunt given in by the respective members with ſome variation; And it being moved that the question might be stated Whither the first or the ſecond clauſe of these two ſhould be considered, After ſome debate the question was accordingly ſtated first or ſecond and Carried that the first clause ſhould be considered Whereupon an amendment being offered to the first part of the clause it was agreed to without a vote, And an amendment offered to the ſecond part of the clause being in like manner acquiesced to the clause was adjusted in the terms following viz. 'Provideing alwayes that the ſame be not the Succeſsor to the Crown of England unleſs that in this preſent Seſsion of Parliament and any other Seſsion of this or any ensueing Parliament dureing her Majesties Reign, there be such conditions of Government settled and enacted as may ſecure the Honour and Sovereignity of this Crown and Kingdom the freedom frequency and power of Parliaments the Religion liberty and trade of the Nation from Engliſh or any forreign influence With power to the ſaid Meeting of Estates to add such furder conditions of Government as they ſhall think neceſsary the ſame being conſiſtent with and no wayes derogatory from these which ſhall be enacted in this or any other Seſsion of Parliament dureing her Majesties Reign: And farder but prejudice of the generality foresaid it is hereby specially Statute Enacted and Declared that it ſhall not be in the power of the ſaid Meeting of Estates to name the ſucceſsor of the Crown of England to be ſucceſsor to the Imperial Crown of this Realm nor ſhall the ſame person in any event be capable to be King or Queen of both Realms unleſs a free Communication of trade, the freedom of navigation and the liberty of the plantations be fully agreed to and eſtabliſhed by the Parliament and Kingdom of England to the Kingdom and Subjects of Scotland at the ſight and to the ſatisfaction of this or any ensueing Parliament of Scotland or the ſaid Meeting of Estates': And then the vote was ſtated Add the clause to the Act, or No; But before aſking the vote the Marqueſs of Annandale Lord President of the Privy Council and the Duke of Argyle for themselves and all that ſhould adhere to them Declared their Diſsent to the clause and thereupon took instruments desireing their diſsent ſhould be marked, To which diſsent the Earls of Crauford, Lauderdale, Leven, Kintore, Melvill, and Hyndford, The Lords Elphinstoun, and Roſs, The Laird of Prestoungrange, Sir Gilbert Elliot, The Laird of Cavers, M[r] Francis Montgomery, Sir James Campbell, Sir Patrick Johnstoun, Walter Steuart of Pardovan, and Hugh Montgomery adhered.

Diſsent The Marqueſs of Annandale, the Duke of Argyle and others

THE Viscount of Tarbat Lord Secretary in like manner declared his diſsent from the clause in so far as it might derogat from the freedom and priviledges of Parliaments or Meetings of the Estates in their legal established Constitution by the Laws of the Kingdom; And the vote being thereafter asked, Add, or No, was Carried in the affirmative.

Diſsent The Viscount of Tarbat

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XXVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security] THE Act for Security proceeded in and a clause offered 'Declaring that the Estates ſhould not Nominat the ſucceſsor in the event contained in the

Act dureing ſome dayes after their first meeting, Which being considered the Question was first Stated if the number of these dayes ſhould be Twenty or Thirty, And thereafter it being moved that the Question might rather be Stated if the dayes ſhould be Thirty or Sixty; The vote was asked whither the first state or the ſecond ſhould be put to the vote and Carried that the first state should be put to the vote; Then the vote being asked whither Twenty or Thirty dayes Carried Twenty; After which it was acquiesced to without a vote that these twenty dayes being elapsed the Estates ſhall proceed to make the ſaid Nomination with all convenient diligence.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AN Act of the Commiſsion of the General Aſsembly for a day of fasting and humiliation over the Kingdom, offered and read Appointing application to be made to the Parliament for adhibiteing the civil ſanction thereto, And accordingly the draught of an ordinance of Parliament appointing the said fast to be observed the last Tuesday of August next was given in and read, and agreed to without a vote, Of which ordinance the tenor follows.

Ordinance for a National Fast

HER Majesties high Commiſsioner and the Estates of Parliament takeing into their serious consideration the application made to them by the Commiſsion of the General Aſsembly of this Church That a day of solemn fasting and humiliation may be authorized and appointed to be observed by all persons in this Kingdom for the reasons and causes therein mentioned and hereto ſubjoyned They do hereby Command and Appoint that the said day of fasting and humiliation for prayers and supplications to God for the reasons and ends aftermentioned be religiously and strictly observed by all persons and all Churches within this Kingdom upon the last Thursday of August next to come and Ordain all Ministers to read these presents with the Act of the Commiſsion hereto ſubjoyned publictly in their Congregations on the Lords day at least before the keeping of the foresaid fast Injoyning all the Subjects of this Kingdom to observe the foresaid day appointed for the reasons and ends foresaid as they will be answerable And certifieing such of the Leidges who ſhall not give due obedience or who shall contemn and neglect the keeping and observeing of the said day That they ſhall be proceeded against in manner contained in former Acts of Parliament for observeing dayes of fasts and humiliations And Her Majesties high Commiſsioner and the Estates foresaid Ordain these presents with the Act of the Commiſsion hereto ſubjoyned to be printed, and published at the mercat croſs of Edinburgh and the other mercat croſses of the head Burghs within this Kingdom And that Copies be dispatched by the Solicitors to the Sheriffs and other Officiars of the Law in the usual manner that none pretend ignorance.

FOLLOWS the Act of the Commiſsion of the General Aſsembly for a Solemn National Fast and Humiliation

AT EDINBURGH the twenty seventh day of July I^{m} vij^{c} and three years Although we have many eminent mercies for which we of this Church and Nation ought to praise and bleſs God; yet any considering person may easily discern many ſad causes even for publict humiliation fasting and prayer, For that alace after all that God hath done to us and for us by word and work mercy and judgement we are not yet reformed nor amended which provocketh to more and bitter wrath Yea though we have been oft called by the supreme authority of Church and State to ſolemn national humiliation and reformation yet people do not amend their wayes and doings nor turn to the Lord, the sins of former times are not repented of, and the ſins of the present time are continued in, There are also sad divisions in the Nation both in things ſacred and civil, and few lay these to heart, The remembrance of some former years of famine and dearth and how the lives of many depend on a good harvest, The engagement also of Britain and Ireland in a dangerous war might awaken to fasting and prayer We ſhall not insist at this time on a particular enumeration of the sins of the Land in former or later times but referring to what hath been done formerly on such occasions ſhall in the First place Beseech and Obtest all as they stand guilty to lay to heart and mourn for and turn from undenyable ſhameful immoralities which do ſo much abound that there may be no more any curser or swearer or sabbath breaker drunkard or unclean or unrighteous person scoffer at piety or contemner of Christ and his Gospell and ordinances amongst us Secondly We exhort all and every on to Search out their own sins in particular and be willing to be searched convinced and humbled for their ſins. Thirdly We beseech and obtest all Ministers that they freely and faithfully from the word of God discover to their people their own and the nations sins with ſuch prudence zeal and seriousneſs as may be most convinceing and edificing, improveing former acts anent fasts for their help in this Fourthly As we beseech all ranks of persons to search and try their

wayes and turn to the Lord in truth and to flie to the blood of Jesus Christ for pardon and renovation; so We exhort and obtest all to be fervent in prayer for pardon and mercy for themselves and the Nation and that the Lord would make the Gospel more ſucceſsfull among us Stop the grouth of popery and prophaneneſs & all corruption of faith and manners, would Preserve and Bleſs the Queens Majestie in her person and Government Establish her throne by Religion and righteousneſs Direct her Councills here and elsewhere Prosper her forces by Sea and Land and those of the Princes and States her Allies And that God would send the light of the Gospel to the Nations who have it not Advance the reformation in Christendom Preserve his reformed Churches Relieve and Deliver the oppreſsed and persecuted Protestants in France and elsewhere particularly those who are hazarding their lives for their Religion and liberty and Break the power of the French oppreſsor And that the Lord would remove all diviſions among us and unite us all to God and one another in him for the common good and wellfare of this Church and Nation And give seasonable weather for ripening and gathering in the fruits of the earth for food to man and beast and so Croun the year with his goodneſs. For all these causes and reasons the Commiſsion of the General Aſsembly appoints the last Thursday of August next to come to be observed in all the Congregations of this Church and Nation as a day of solemn fasting humiliation and prayer Beseeching and Obtesting all pastors and people of all ranks to be ſincere and ſerious therein as they would find mercy of the Lord and would have his wrath averted from the Land And Ordains Ministers to read this Act publictly from the pulpit a Sabbath or two before the said day of humiliation And farder Appoints application to be made unto his Grace her Majesties high Commiſsioner and the most honourable Estates of Parliament for the civil ſanction for the observation thereof. Signed in name and at the appointment of the Commiſsion of the General Aſsembly By sic ſubscribitur Geo: Meldrum, Mod'.

[Act for Security] THE Act for Security proceeded in and a clause offered, 'declaring it high treason to administrat the Coronation oath or be witneſs to the administrating thereof but by the appointment of the Estates of Parliament in manner mentioned in the Act or to own or acknowledge any person as King or Queen of this Realm in the respective events mentioned in the clause until they have sworn the Coronation Oath and accepted the Crown on the terms of the Claim of Right and the other conditions to be settled in this or any ensueing Parliament or added in the ſaid Meeting of the Estates and be thereupon declared and admitted as above'; Which clause was acquiesced to; But it being moved that there be a clause Declaring the said crime irremiſsable without consent of Parliament, The vote was ſtated If that clause ſhould be added Yea or No and Carried in the affirmative.

IT was then considered Whither the Government ſhould be lodged for the interval of time betwixt the decease of the Sovereign and the elapseing of the next twenty dayes thereafter in ſuch members of the Estates as ſhould happen to be at Edinburgh or come to it for the time, or in the Privy Councill of the then last deceased King or Queen, And the vote being first stated Whither in the Estates or in the Privy Councill And being thereafter stated Whither in the Estates jointly with the Council or in the Estates alone; The Marqueſs of Montrose Protested for himselfe and in name and behalf of all the Peers of this Kingdom who ſhould adhere to his protestation That no vote to be past ſhould in any manner of way prejudge the ſaid Peers in their native and undoubted right and Diſsented from the present vote in ſo far as it might derogate thereto And thereupon asked instruments Which protestation was adhered to by His Grace the Duke of Hamilton, The Marqueſs of Tweeddale, The Earls Marischall, Rothes, Buchan, Home, Strathmore, Roxburgh, Haddingtoun Selkirk, Ruglen and Marchmont, The Viscounts of Stormont and Teviot And the Lords Blantyre, Beilhaven Colvill and Kinnaird. Robert Dundaſs of Arniestoun Protested for himself and in name of the Barons and freeholders of Midlothian whom he had the honour to represent and in behalf of any other ſhire of this Kingdom whose representatives ſhall think fit to Adhere to his protestation That no clause to be voted and insert in the Act for Security of the Kingdom ſhall in any manner of way prejudge the legal and undoubted right and priviledge of the said ſhire or their lawful representatives, And Diſsented from the present vote in ſo far as it might derogate from the ſaid right and priviledge of the Commiſsioners for Shires Whereupon he asked Instruments Which Protestation was likewayes adhered to by Sir Robert Dickson of Inuerask, The Laird of Carnwath, Sir John Lauder of Fountainhall, The Laird of Saltoun, The Laird of Dirletoun, Sir Robert Sinclair, Sir John Home, Sir John Swintoun, Sir Patrick Home, Sir William Ker of Greenhead, William Bennet younger of Grubbet, The Laird of Lamingtoun, the Laird of Jerviswood, the Laird of Stevenson younger, the Laird of Aikenhead, M' William Cochran of Kilmaronock, Sir Humphry Colquhoun of Luſs, John Grahame of Kilearn, James Graham of Buchlivie, Robert Rollo of Powhouse, Thomas Sharp of Houstoun, John Haldan of Gleneagles, Sir Patrick Murray of Auchtertyre, William Oliphant of Gask, Mungo Graham of Gorthie, Sir Thomas Burnet of Leyes, Alex.

Diſsent and Protestation The Marquiſs of Montrose and others

Protestation and Diſsent Robert Dundaſs of Arnieston and others

ander Gordon of Pitlurg, William Seton of Pitmedden, James More of Stonywood, The Lairds of Grant elder and younger, The Laird of Kilravock, The Laird of Balfour, Major Henry Balfour of Dunboig, Robert Douglaſs of Strathendrie, Mr James Carnegie of Phinhaven, James Halyburton of Pitcurr, David Graham of Fintrie, Alexander Duff of Braco, Sir George Sinclair of Clyth, James Brodie of that Ilk, Robert Dunbar of Grangehill and John Bruce of Kinroſs. Alexander Watson of Aitherny Commiſsioner for the Burgh of St Andrews Protested for himself and in name of all the Burghs of this Kingdom whose Representatives ſhall adhere to his protestation That no ſuch vote or act ſhould prejudge the said Burghs of their just and legal title and priviledge and Diſsented from the present vote in ſo far as it might derogat to the ſaid legal right title and priviledge of the Commiſsioners for Burghs and thereupon he took Instruments, Which protestation was adhered to by Alexander Robertson, Patrick Bruce, Sir John Erskine, James Spittle, Alexander Duff, Francis Molisone, Sir Andrew Home, Sir James Halket, George Smith, Robert Kellie, Mr John Lyon, George Brodie of Aslisk, George Home, Mr James Bethun, and Mr Alexander Arbuthnot, After which protestations the vote was asked Whither the first or the ſecond state ſhould be voted, and Carried that the ſecond ſhould be voted. Then the vote was asked Whither in the Estates jointly with the Council or in the Estates alone, and Carried in the Estates jointly with the Council.

Protestation and Diſsent Alexander Watsone and others

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST II, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Lord high Commiſsioner signified to the Estates that in regaird a great many of the Commiſsioners from the Royal Burrows were to meet in the Convention of Burrows this week at the Burgh of Glasgow, He thought fit to Adjourn the Parliament for ſome dayes: And accordingly the Lord Chancellor by order of the Lord high Commiſsioner Adjourned the Parliament till Saturday next at ten a clock.

AUGUST VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security]

THE clause settling the Administration for the interval of the twenty dayes next following the death of the Sovereign being farder considered and adjusted an additional clause was offered bearing Thirty of the ſaid members of the Estates and members of the former Council to be a quorum The plurality being alwayes of the Estates who were not of the former Council And thereupon the vote ſtated Add the clause or No, But before asking the vote The Earl of Marr protested for himself and all who ſhould adhere to his protestations that this vote might not prejudge the Peers of their birthright by Secludeing them from Sitting at any time amongst the members of Estates and Counsellers that are to meet dureing the interval because of their being Members of the Privy Council that was at the King or Queens decease and thereupon took Instruments; Which Protestation was adhered to by The Marquiſs of Annandale Lord President of the Privy Council, The Marquiſs of Athole Lord Privy Seal, The Earls of Crauford, Morton, Glencairn, Eglintoun, Wigtoun, Kelly, Galloway, Findlater, Leven, Balcarras, Kintoir, Dunmore, Melvil and Hindfoord, The Lords Forbes, Elphingstoun, Rollo, and Bellenden.

Protestation the Earl of Marr and others

THE Laird of Kilbirny in like manner Protested for himself and all that ſhould adhere to his protestation against the Clause, as prejudicial to the priviledge of the State of Barons, And that it might not be drawn in consequence as a precedent to the prejudice of that Estate and thereupon took Instruments, Which protestation was adhered to by the Laird of Cavers, Mr Francis Montgomery and Mr William Dalrymple.

Protestation the Laird of Kilbirny and others

SIR Patrick Johnstoun also protested That the vote might not prejudge the Provost of Edinburgh for the time he being usually a Privy Counsellor and thereon he took Instruments; After which protestations the vote was asked Add the clause or No, And carried in the affirmative.

Protestation Sir Patrick Johnston

MOVED that a clause be adjected Ordaining that all Commiſsions granted to the officers of State Lords of the Thesaury and Exchequer President of the Privy Council and all other Civil Commiſsions that are now granted dureing pleasure ſhall by the decease of the King or Queen reigning become null and void excepting Sherifs Steuarts and Justices of the Peace in their respective bounds,

And after debate the Question was first ſtated Add the clause or No And being thereafter ſtated in theſe words viz. Whither the Commiſsions of the Officers of State ſhall fall at the death of the King or Queen or Continue untill the Meeting of the Estates The vote was aſked whither the first state or the ſecond ſtate ſhould be voted And carried that the first ſtate ſhould be voted; Then the vote being asked Add the clause or No, was Carried in the affirmative.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST X, M,DCC,III

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security] THE Act for Security proceeded in and a clause offered Ordaining all Protestant Heretors and all Burghs within the Kingdom furthwith to provide themselves with fire arms for all the fencible men who are Protestants in their respective bounds of the bore proportioned to a bullet of fourteen drop weight running, And that the ſaid heretors and burghs discipline and exercise their said fencible men once in the moneth at least Upon which after long debate, the vote was ſtated Add the clause to the Act or No, and Carried in the affirmative.

A CLAUSE then offered Ordaining all Commissions of Officers in the ſtanding forces above Captains to be null in the time and event mentioned in the clause, And that all Captains and Lieutenants of Companys and troops which belonged to officers above Captains continue their ſeveral Commands without extending the ſame farder then their companys and troops till farder Orders from the Estates or Committee in the interval, And requireing all officers and ſouldiers in dayly pay at the ſaid time to continue in or repair to their quarters or garrisons and not to repair from thence but by order foresaid under the pain of treason And ther being another draught of the clause offered Provideing that in the ſaid event all Officers haveing military Commiſsions and their Commiſsions and all Souldiers of whatsoever degree ſhall be absolutely at the disposal and under the ſubjection of the ſaid Committie in the interval, or of the Estates when once met; And that no officer or ſouldier remove from their quarters where they ſhall be for the time without orders from the ſaid Committie or Estates or preſume to diſsobey the Commands of the ſaid Committie or Estates under the pain of treason: The vote was stated after some debate Add the first or the ſecond draught of the clause, And carried that the first draught of the clause ſhould be added.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for Security] THE Act for Security proceeded in and a clause offered to be adjected to the former clause for arming the fencible men bearing that the ſaid heretors ſhall take the oath of alleadgeance and aſsureance As also appointing ſuch heretors or fencible men as are ſuspect of popery when required to take the Formula in the Act One thousand ſeven hundred years in presence of the Sheriff or any other Judge within whose jurisdiction they reside which was agried to without a vote; And thereafter a clause was Ordained to be added Rescinding Caſsing and Annulling the ſeventeenth Act of the Seſsion of Parliament one thousand six hundreth and ninety six years and all other Laws and Acts of Parliament in ſo far as they are inconsistent with this Act; And thereupon it being moved that the ſecond Act of the Parliament One thousand six hundreth and eighty one years aſserting the right of ſucceſsion might be expreſsly rescinded: After debate the Question was at length put to the vote, If the Act One thousand six hundreth and eighty one years ſhould be rescinded expreſsly or by the general clause, And carried that it ſhould not be rescinded expreſsly but by the general clause: Then the vote being asked Proceed to approve the haill Act or Delay, carried Delay.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

AUGUST XIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act for Security read, voted and approven.

Sentence against the Lord Blantyre PETITION by Alexander Lord Blantyre read, Intreating that his Grace her Majesties high Commiſsioner and the Estates might Accept of his ſubmiſsion and most humble acknowledgement of the

indecent and undutiful expreſsions uttered by him in presence of her Majesties Advocat against his Grace her Majesties high Commiſsioner contained in a subscribed Complaint exhibited ag^{t} him thereanent by her Majesties Advocat for which he was in custody by order of the Lord High Constable; Upon reading whereof, the Petitioner was ordained to come to the barr and there kneeling to beg pardon of his Grace the Lord high Commiſsioner and the Estates for his ſaid offence to pay a fine of five thousand pounds And to continue in custody untill the fine be payed or a valid bond given to the Cashkeepers for payment thereof; And the Lord Blantyre being sisted at the barr the Lord Chancellor resumed the order of Parliament, and by Warrand of her Majesties high Commiſsioner Declared that his Grace was pleased to dispense with the Petitioners makeing his Acknowledgement kneeling To which the Estates haveing agreed, the Lord Blantyre gave obedience to the rest of the ſentence and was thereupon diſmiſsed and allowed to take his place.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED that the Contraverted Elections not yet diſcuſsed be now determined And accordingly the objection against Alexander Douglaſs of Egilshay one of the Commiſsioners for the Steuartry of Orkney was insisted in, And after debate by the Advocats for and against him the objections being past frae He took the oath of alleadgeance and oath of Parliament, and ſubscribed the alleadgeance and aſsureance, and was admitted accordingly.

[Election for the burgh of Hadington] THE competeing Elections betwixt Alexander Edgar late Provost, and William Mackcall present Provost for the Burgh of Haddingtoun being called, and the Advocats for either party heard The Minuts of the Toun Court at the Election of Alexander Edgar were read And after ſome debate the vote ſtated Admit of Alexander Edgar as lawfully elected Yea or No, was Carried in the affirmative, And he thereupon took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance and aſsureance and was admitted in like manner.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVII, M,DCC,III.

PRAYERS said. The Rolls called.

THE Minuts of the last Sederunt read.

THE Lord Clerk Register haveing informed the Parliament that Captain John Boiswell who competed with James Oswald Commiſsioner for the Burgh of Kirkcaldie had taken up his Commiſsion, James Oswald took the oath of alleadgeance, and oath of Parliament and ſubscribed the alleadgeance and aſsureance and was admitted.

[Election for Aberbrothock] THE Contraverted Elections betwixt John Hutchieſon present provost and Patrick Stephen late provost for the Burgh of Aberbrothock being called, The Advocats for either partie were heard, and the ſeverall protestations against their respective elections being read, After ſome debate the vote was stated, Sustain the Commiſsion in favors of Provost Hutchiesone, or Remit to the Burgh to make a new Election; and carried Sustain the Commiſsion.

[Anent making peace & war] THE draught of the Act anent the makeing peace and war, read, and ordered to be marked a first reading.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act anent Peace & War] THE Act anent Peace and War farder considered, And there being a clause offered Declaring that the Act ſhould not be understood to impede the Sovereign of this Kingdom to raise and imploy the Subjects thereof for ſuppreſsing any insurrection within the Kingdom or repelling any invasion from abroad according to former Laws: After reading thereof, it was moved that the Narrative of the Act might be first considered, And thereupon the vote was ſtated Whither the narrative or the clause ſhould be first considered and Carried the clause be firſt considered And then the Clause being considered and amended was agreed to be added without a vote.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XIX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

[Peace & War] THE Act anent peace and war proceeded in, And ſeveral clauses offered, relateing to the manner of treating and manageing Treaties of peace; And there being an alteration offered adapting it to a clause leaveing every thing relateing to treaties of peace alliance and commerce to the Wisdom of the Sovereigne with Consent of the Estates of Parliament who ſhall declare the war; After ſome debate the vote was stated Approve or Alter and carried Alter; Then another additionall clause being offered and read anent the bringing forces into or transporting forces furth of this Kingdom for forreigne ſervice without consent of Parliament; The consideration thereof was delayed.

THE Lord Chancellor by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

A WARRAND granted for electing a new Commiſsioner in place of David Christie deceased for the Burgh of Dysart on Munday next as follows.

Warrand for electing a Commiſsioner for the Burgh of Dysart HER Majesties high Commiſsioner and the Estates of Parliament in respect of the decease of David Christie Commiſsioner to this present Parliament for the Burgh of Dysart do hereby Grant order and warrand to the Magiſtrats and Toun Council of the ſaid Burgh to meet there in the uſual place upon Munday next being the twenty third of Auguſt instant And to chose and elect a Commiſsioner for representing them in this Parliament in place of the ſaid David Christie and ordains intimation hereof to be made in the accustomed manner.

[Peace & War] THE Act anent peace and war being read a ſecond time, The Question was ſtated Approve the act or Not; And being put to the vote was Carried in the affirmative.

[Public Accounts] THE draught of an Act and Commiſsion for exameineing the Public Accounts given in and read, and ordered to be marked a first reading.

AN other draught of an act to the ſame purpose given in and read; And both these draughts ordained to be printed for information of the members.

AGREED that the number of the Commiſsioners be five of each ſtate, And that no perſon who can be accountable be chosen a member of the Commiſsion.

AN Overture by way of Act anent the qualifications of the Members of Parliament read and given in and Ordered to ly on the table.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XXIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED that the members of the Commiſsion of Parliament for examining the Public Accounts be chosen in plain Parliament and not by the Estates separately; But after ſome debate thereupon, it was acquiesced to, that they ſhould be chosen by the Estates separately conform to the former custome. [Public Accounts]

THE draught of the said Act and Commiſsion which had received a first reading read again and after ſeveral amendments, it was put to the vote and approven.

THE Lord Chancellor by order of Her Majesties high Commiſsioner, Adjourned the Parliament till Wednesday next at ten a clock.

AUGUST XXV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THEN the Estates separated and choosed five of each Estate to be Commiſsioners for examining the Publict Accounts which were reported in Parliament as follows viz. The Earls of Galloway, Northesk, Belcarras, and Dunmoir, and the Viscount of Stair, for the Nobility; Robert Dundaſs of Arnistoun, Sir John Lauder of Fountainhall, John Haldan of Gleneagles, William Seatoun of Pitmedden younger, and James Ogilvie of Boyn younger, for the Barons; Colin Campbell, Mr John [Public Accounts]

Clerk, Mr Dougald Steuart, Sir David Cunninghame, and Mr Robert Frazer for the Burrows.

AGREED that all members of Parliament may be present in the Commiſsion, And after leave obtained may speak their opinion upon any matter treated therein.

[Order of procedure &c.] AN Overture being presented in form of Act for the more effectual execution of the Laws prohibiteing the importation of Irish victual; It was moved that before the consideration of any ſuch Overture for trade the Parliament might proceed to the consideration of other Overtures for the further ſecurity of the liberty of the Nation, And after much debate the Question was at length stated If the Parliam^t^ ſhould proceed first to the consideration of farder Overtures for ſecureing our liberty or of Overtures for trade; And being put to the vote It carried proceed to consider Overtures for trade Whereupon ſeveral new Overtures, a Representation and Petition with ſome Overtures for acts formerly given in were read as follows viz. The act in favors of the Company tradeing to Africa and the Indies with ſeverall reasons offered for paſsing thereof, Representation in behalf of the Royal Burrows anent the Communication of trade With the draught of the Act to which it referrs The act for the more effectual Execution of the Laws against importing Iriſh victual With a clause to be added against importing Irish horse and cattle, Act for turning the Excise from the liquor to malt, The act anent the draw backs for exported victual, The act for allowing the Exportation of Sheep and Lamb skins with wool on them, Act for Encourageing of coal and ſalt works, Petition for Mr George Campbell anent his new invention to improve the makeing of ſalt, Act anent planting and policy and lyming of corn ground, The Act for delivering meal by weight, Act for declaring this Kingdom a free port, and all ordered to ly on the table And the members who presented the ſeveral Overtures allowed each of them to print his Overture.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

AUGUST XXVII, M,DCC,III.

PRAYERS ſaid The Rolls called.

GEORGE Eaſon Commiſsioner for Dysart took the oath of Alleadgeance and oath of Parliament and ſubscribed the Alleadgeance and Aſsureance.

THE Minuts of the last Sederunt read.

THE Act in favors of the Company tradeing to Africa and the Indies read again, and ordered to be marked a first reading. [African Company]

THE Act in favors of the Royal Burrows anent the Communication of Trade again read and ordered to be marked a first reading. [Communication of Trade]

THE Act for the more effectual execution of the Laws prohibiteing the Importation of Iriſh victual With the clause anent Iriſh horse and cattle read again and ordered to be marked a first reading, And that it be furthwith printed to the end it may be farder considered the ſecond meeting of Parliament next week. [Importation of Irish victual]

THE Act continueing the prohibition of exporting Engliſh and Iriſh wool till next Seſsion of Parliament read again and ordered to be marked a first reading And that it be likewayes printed in order to the farder consideration thereof the ſaid ſecond meeting of Parliament next week. [English & Irish wool]

THE Act allowing the Importation of wines and forreign liquors read again, And thereupon after long debate, the vote being asked if the Act ſhould be marked a first reading or delayed, And carried that the Act ſhould be marked a first reading. [Importation of wines & forreign liquors]

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XXX, M,DCC,III.

PRAYERS ſaid The Rolls called.

THE Minuts of the last Sederunt read.

ORDERED that the Lord Register cause print an exact list of all the Members of Parliament as they ſtand in the Rolls, And that the Earl of Dunbar be insert in his place according to the Decreet of Ranking in the year 1606. [List of Members to be printed]

THE Act in favors of the Company tradeing to Africa and the Indies, read, voted and approven. [African Company]

PETITION by Patrick Steel Vintner, read, And the ſummonds at his inſtance against his Creditors being called and none compearing, There was protection granted him from personal Execution for

payment of all ſums of money for year and day after this date, in manner particularly following.

Protection in favors of Patrick Steel

ANENT the Summonds and Action raised and pursued before Her Majesties high Commiſsioner and the Estates of Parliament at the instance of Patrick Steel Vintner Burgeſs of Edinburgh against Hugh Cunninghame Writer to the Signet Mr James Grahame senior Advocat Sir Robert Cheisly late provost of Edinburgh Sir William Meinzies of Gledſtanes late Baillie there Mr John Duncan Merchant in Edinburgh Andrew Sutherland Writer to the Signet and Guthrie his ſpouse Deans's children to the deceased Alexander Deans merchant in Edinburgh John Marjoribanks late Baillie in Edinburgh James Gordon senior Merchant there John Ruſsell Writer there John Hamilton Baillie of the Abbay of Halyrudehouse David Denoon Baillie in the Cannongate and his ſpouse Henry Boithwell of Glencorſe Robert Watsone of Murehouse merchant in Edinburgh
Relict of Mr William Bullo Minister and Bullo her daughter and James Johnstoun Meſsenger in Edinb[r] her husband for his intereſt
Roſs relict of William Allan Writer in Edinburgh and William Allan his eldeſt ſon of the first marriage Mr George Douglaſs of Friershaw Advocat Hugh Somervell Writer to the Signet Alexander Deuchar Writer in Edinburgh factor for Collonell John Buchan Henry Burn Merchant in Edinburgh Sir Patrick Home of Lumsdene Advocat Robert Forrester late Baillie in Edinburgh
Mirrilies children of the deceased James Mirrilies Writer in Edinburgh Mr Walter Stirling Writer there Jean and Elizabeth Brouns daughters to umq[h] John Broun merchant in Edinburgh James Cleland Merchant there Andrew Ker in Dysart David French Writer in Edinburgh and Elizabeth Thomson his ſpouse John Grahame of Dougaldstoun and his copartners Mathew and Daniel Campbells Merchants in Glasgow Andrew Houstoun Writer in Edinburgh Mr Andrew Mortimer late minister of the gospell Barbara Forbes Relict of James Allan of Sauchlane Robert Miln of Balfarg Maſson in Edinburgh Robert Walwood Merchant in Edinburgh Mr James Smith of Whitehill Stivensons children to the deceased Hugh Stivenson of Montgreenan Archbald Nisbet of Carfin Walter Porterfield Apothecary in Cannongate James Broun Apothecary in Edinburgh Scots children to the deceased Scot farmer in Dean James Fairholm Mer[t] in Edinburgh Gilbert Steuart merchant there Rochhead daughter to the deceased Sir James Rochhead of Inverleith Stephen Cuthell Vintner in Edinburgh Mr George Suttie ſon to the deceased Suttie late Dean of Gild of Edinburgh James Graham late Baillie there Alexander Baird late Baillie there David Mitchell Baxter there Thomas Fiſher Chamberland to the good Toun of Edinburgh Patrick Carfrae Maſson there William Gordon of Bridges Merchant there Andrew Paterson of Kirktoun Gavin Plummer Merchant in Edinburgh Hary Lochhead Vintner there Andrew Tennent Vintner there John Callendar of Craigforth John Steel Brewar in Edinburgh Alexander Dunbar Merchant there James Nicolson one of the Clerks of the bill chamber Samuel Macklellan Merchant in Edinburgh George Lauson Merchant there Mr Steuart Collector in Glasgow David Gourlay and Alex[r] Dunbar Factors to the deceased William Dunbar Merchant in Edinburgh Elizabeth Peter Lady Whitsley James Broun Tennent in Stenhopsmills Robert Darleith ſon to the deceased John Darleith Writer in Edinburgh Andrew Simpſon farmer at Pendreich of Leswade George Leidingtoun tailzeor in Inueresk Sir Thomas Young of Rosebank indweller there Thomas Tod Skipper in Fisherraw James Marjoribanks Merchant in Edinburgh Mr Robert Norvell Advocat and Alexander Tait ſkipper in Leith all creditors to the ſaid Patrick Steel Mentioning that where it hath been the purſuers very great misfortune partly by Cautionries for persons who proved insolvent loſses at ſea and bad debitors for considerable ſums and unfaithful ſervants, and partly by the rigour of some of his Creditors to be forced from the management of his affairs and the capacity of makeing the ſame effectual to answer his credit Notwithstanding of his haveing at their first question thereanent made an ample and voluntar disposition of all his means in their favors without exception, Which, according to the report of some of the most judicious among them to whom the rest had committed the consideration thereof, exceed all his debts by nineteen thousand one hundreth and twenty pounds Scots money besides twelve thousand pounds of bad debts which the pursuer did not offer to them So that in the event it might prove an act of justice to his Creditors as it would be an act of the greatest favor and compaſsion to the pursuer if the Parliament would be pleased to enable him by their protection to make good his effects for the common benefite of all the persons concerned And anent the Charge given to the said defenders respective in manner aftermentioned to have compeared before the ſaid Estates of Parliament at a certain day now bygone to answer at the ſaid pursuers instance in the action and cause foresaid and to hear and ſee the benefite of her Majesties protection from the rigour of his ſaid Creditors granted to him for ſuch time as ſhould be judged requisite for the effect libelled conform to the Laws and Acts of Parliament made thereanent and the practise in the like cases or else to alleadge and give in their reasonable objections why the ſaid protection ſhould not be granted With certification if they failzied protection would be granted in manner foresaid as

the ſaid ſummonds and executions thereof in themſelves more fully bears The said Patrick Steel purſuer compearing by Sir Archbald Sinclair Advocat his procurator who produced in presence of her Majesties high Commiſsioner and the ſaid Estates the Dispoſition and Aſsignation abovementioned granted by the ſaid pursuer on the first day of December last bypast under the provisions therein mentioned to the abovenamed John Marjoribanks late Baillie of Edinburgh Robert Watson of Muirhouse James Gordon Merchant in Edinburgh and to Alexander Glaſs Writer to the Signet and John Hamilton Merchant burgeſs of Edinburgh for themselves and as trustees and managers for their own use and for the use and behove of the haill Creditors therein ſpecified whereof any three of them are by the ſaid disposition and acceptation thereof declared to be a quorum And failzieing of them or a quorum by decease to the ſaid haill creditors their heirs exers or aſsigneyes according to their respective rights and interests of all the debts and ſums of money liquors household furniture goods geir accounts writs and others whatsomever pertaining and belonging or any manner of way due to him and particularly and generally therein mentioned as the ſamen bears And also their being a petition given in and presented for the ſaid pursuer Humbly Shewing unto her Majesties high Commiſsioner and the ſaid Estates of Parliamt That the pursuers credit haveing fallen ſhort in the vacance last when there was no trade And his Creditors haveing all at once attaqued him by legal diligences he was forced for ſecurity of his person to retire to the Sanctuary But that his Grace and the honourable Estates of Parliament might be ſatisfied of the petitioners fair & upright dealing he begged leave to inform That upon the first breaking out of his condition the petitioner conveened his Creditors and all of them gave in lists of their debts, And he offered to discover to any Committie they ſhould appoint fonds for ſatisfieing these debts; And accordingly Sir Patrick Home and Mr James Grahame ſenior Advocat Baillies Marjoribanks and Gordon and Robert Watson of Muirhouse were appointed as a Committee to examine his effects which were found to be Twelve thousand one hundreth and twenty pounds above his debts besides Nine thousand pounds of suspected debts as is instructed by a stated account written with Robert Watsons hand And the ſame being reported to the general meeting they ordained him to denude himſelf of his Estate And thereby most of them were ſo fully convinced of the pursuer's honesty that they immediatly signed a Supercedere But it being impoſsible to ſatisfie all he was concerned with ſome proved refractory which oblidged the pursuer to retire till they could be brought to a more calm and reasonable temper. The pursuer as a token of his willingneſs to ſatisfie his Creditors and in obedience to their Sederunt granted two dispositions of his Estate heretable and moveable in favors of the Creditors Trustees mentioned in the disposition for their common behove which is all he could do in his present circumstances and all the law requires in the like cases; And seeing the pursuer has made no fraudulent conveyances of his means and estate, But that his misfortunes have happened by loſs at ſea, cautionrie for persons who became insolvent by ill debitors and negligence of ſervants and other accidents incident to the pursuers imployment and calling, And that in such cases his Grace and honourable Estates of Parliamt are in use to interpose their compaſsion and justice to mitigate and put ſome ſtop to the rigour of law which will be a justice done to the pursuer and contribute much to the Creditors behove by recovering the effects disponed Therfore humbly beseeching his Grace and honourable Estates of Parliament to take the premiſses to their ſerious consideration And in regaird the pursuer has cited his Creditors conform to the Act of Parliament for preventing the pursuers utter ruin to grant their protection to him for ſuch a competent time as their wisdomes ſhould think fit That he may be enabled to follow his trade, make his debts effectual and do every thing that may contribute to the payment and ſatisfaction of his just Creditors which his confinement hinders him to do to his and their great loſs and prejudice all his buſineſs running into confuſion by the pursuers want of liberty to attend it as the ſaid petition bears And the haill forenamed Defenders being lawfully cited to this action oft times called and not compearing The foresaid Summonds and Executions thereof with the calling thereof this day in manner aftermentioned and that no compearance was made for the defenders Together with the disposition abovementioned libelled on And the petition above written given in for the pursuer and read in plain Parliament being all at length heard ſeen and considered by his Grace her Majesties high Commissioner and the foresaid Estates of Parliament And they being therewith well and ripely advised Our Soveraign Lady the Queens Majeſtie with advice and consent of the ſaid Estates have Granted and hereby Grants to the pursuer protection from personal execution for civil debts and payments of sums of money for a full year and day from and after the date hereof But prejudice of Execution upon Warrandice of deeds and ſuch prestations as may be done and performed without payment of ſums as accords of the law Because all the forenamed persons defenders and the Tutors and Curators if they any have for their intereſts being lawfully ſummoned by ſeveral Meſsengers at Arms to have compeared at certain dayes now bygone before the ſaid Estates of Parliament to have answered at the instance of the ſaid pursuer in the foresaid action With certification as said is the ſaid

ſummonds being this day called by a Maſer at the great door of the Parliament house no Compearance was made for the defenders or any of them In respect whereof and upon adviseing of the ſaid haill proceſs there was protection granted to the pursuer in manner and for the time foresaid.

[Order of procedure] RESOLVED That the Parliament will proceed to consider privat busineſs the first meeting thereof next week as follows viz. The action at the instance of Ker of Moristoun against Sir James Cockburn The action at the instance of the Earl of Home against Sir Patrick Home The ſummonds at the instance of the Laird of Clackmannan against his Creditors And the other Petitions and Summonds lying before them as they ſhould be ready and insisted in.

[Drawbacks for exported victual] THE Act anent the draw backs for exported victual read and ordered to be marked a first reading.

[Communication of Trade] THE Act anent Communication of Trade being read again; there was a Draught of an Act offered and read imposeing a tenth part of the ordinary ceſs payable by the Royal Burrows upon the ſhires according to their ſeveral quotas of ceſs to be proportioned by their Commiſsioners of Supply betwixt the Burghs of Regality and Barony, and the land rent in the respective ſhires, which was ordered to ly on the table and allowed to be printed before next Sitting of Parliament.

[Butchers & Graziers] THE act prohibiteing Butchers to be graziers read again, And it being moved that the clause therein declaring all tacks of graſs already set to Butchers to become void for years to run after Whitsunday next unleſs the ſame were tiled and sowen with corn yearly; The vote was put Approve or Reject the clause and carried Approve Then a clause was offered allowing all Persones to ſell butcher flesh in all Burghs of the Kingdom every lawfull day of the week paying only the petty customes of the Burgh And thereupon the vote being stated Add the clause or Not, Carried in the affirmative After which the whole act was read; But before voteing thereof Sir Patrick Johnstoun Protested It might not prejudge the priviledge of the Royal Burrows or the rights of any incorporation or persons therein who are not heard before the paſsing of the act And thereupon aſked Instruments; Which protestation was adhered to by Robert Inglis, Alexander Robertson for Perth, John Scrimzeor for Dundee, John Allardice for Aberdeen, Lieutennant Collonell John Erskine for Stirling, Alexander Watsone for Saint Andrews, Hugh Montgomery for Glasgow, John Muir for Air, Alexander Edgar for Haddingtoun, James Oswald for Kirkcaldie, Robert Johnstoun for Dumfries, Mr Alexander Cunninghame for Irving, Walter Scot for Jedburgh William Coltrane for Wigtoun, Sir James Halket for Dumfermling, Robert Scot for Selkirk, Sir James Smollet for Dumbartane, Robert Kellie for Dumbar, Archbald Shiells for Peebles, Sir Alexander Ogilvie for Bamf, Mr William Johnstoun for Annan, and Donald Campbell for Inuerary; Then the whole Act was put to the vote and Approven.

Protestation Sir Patrick Johnstoun and others

THE Lord Chancellor by order of her Majesties high Commiſsioner, Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AN Overture in form of Act for a manufactory of lame purselain and earthen wair read and ordered to be marked a first reading. [Manufactory of earthen wair &c.]

THE draught of an act for encourageing ſhipping and ſeamen read and ordered to ly on the table. [Shipping & Seamen]

THE Act for the more effectual execution of the Laws prohibiting the importation of Irish or other victual and Irish cattle &c. read again, And the clause puniſhing the transgreſsors under the degree of heretors by delivering them to be transported for recruits beyond ſea being considered The vote was aſked Approve or Alter the clause and carried Approve; Then a clause anent importing Iriſh horses being considered The vote was aſked, Allow the Importation of Iriſh horses till next Seſsion of Parliament Yea or No and Carried in the negative; After which the act received ſome farder amendments and was at length read as amended, put to the vote and approven. [Importation of Irish victual &c.]

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER I, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE draught of an Act diſchargeing the importation of all forreign wool And the makeing or [Importing of wooll]

wearing any woollen cloath above the price of ſeven pounds four ſhillings per eln read and ordered to ly on the table.

[Mines & Minerals] THE draught of an act for reviveing an act past in the twelvth Parliament of King James the Sixth, anent mines and minerals read and ordered to ly on the table.

PETITION by Mr William Black Advocat relateing to his woollen manufactory at North mills of Aberdeen, read, And thereupon the ſaid manufactory by a vote and deliverance of Parliament endowed with the ordinary priviledges And the Commiſsioners of Supply in the ſhire impowered to impose yearly a thousand pounds from year to year for five years on the Land rent of the ſhire for breeding up boyes in manner and for the ends mentioned in the Petition, as is at length aftermentioned.

Act in favors of Mr William Black for the Manufactory of Northmills in Aberdeenshire

HER Majesties high Commiſsioner and the Estates of Parliament Haveing heard the Petition of Mr William Black Advocat Humbly Shewing unto them that where the Petitioner out of a very good deſigne for his Countrey and at a great charge has ſet up a Manufactory at Gordon's Mill near Aberdeen; By the constitution whereof the ſervants are bound to work to any of the Countrey who ſhall happen to imploy them in any sort of manufacture; and work only to the Petitioner when they have nothing else to do Yea when any work comes from the Countrey his work is laid aside till theirs be finished And albeit it be little more than a year ſince the erection thereof yet there has been wrought and dreſsed for the Countrey both broad cloaths droggats and ſtuffs of all sorts perhaps as good in their kinds as any have been wrought in the Kingdom. He has also steplers for sorting of wool and ſells fleece wool broken and ſorted to any who will buy the ſame which is a very great improvement of itſelf And his ſervants have expreſs orders to give the Countrey direction to ſort their own wool themſelves for the better regulating what goods they deſigne to make, He has also French ſervants for whitening and ſcouring of flannell ſarges and ſtockings for makeing droggats in imitation of the French for milling and dreſsing of stockings whereof considerable quantities are already dreſsed for exportation He has erected walk mills dyhouses and furniſhed all materials He has also erected weavers looms for broad cloaths droggats of wool or half silk ſarges damaſks and pluſh made of wool which looks near as fine as that of hair And has imployed Maſters for each kind of work who are all bound to breed apprentices whereby the Countrey will not only be provided with work men but in a short time when the Countrey come to understand the makeing of cloaths and ſtuffs they will both provide themſelves and their neighbours And thereby others may be encouraged to ſet up manufactories of the ſame kind which will be the only way to bring our Scots manufactories to reasonable prices, The Petitioner has been at all the coast and charge of this undertakeing himſelf knowing that if he had been engaged in any ſociety they would not ſo unanimously agree in running ſuch hazards and undergoing ſuch difficulties in this undertakeing as the Petitioner has done; for his loſses hitherto is considerable and his charges in bringing home ſervants has been great tho he ſhall hope for better things for the future His first undertakeing was at the desire of several Gentlemen in the ſhire of Aberdeen And he was ſo foreward for breeding up workmen for the use of that ſhire that within four or five moneths after he set up his work he made a proposal to the Commiſsioners of Supply that if they would ſend in to his manufactory two boyes from each presbitry in the ſhire he would cause breed one a cloathier and the other a weaver and return them to the place from whence they came within five or ſeven years thereafter and demanded no prentice fie only that the first five years of their Apprenticeſhip the boyes ſhould have been maintained in meat and cloath at the charge of the ſhire This was very much encouraged by some tho disregarded by a few who were unwilling to contribute any thing toward their maintainence And yet if the proposal were followed furth it would be the most effectual way to have good workmen in every corner of the ſhire for the Countrey's improvement And seeing the Petitioner has plainly laid down his designe in this matter and the constitution of his manufactory being so useful and the first of this kind set up in the nation he expected that his grace her Majesties high Commiſsioner and the right honourable Estates of Parliament would Encourage his undertakeing ſo far as to give him ſuch immunities and priviledges as any other Manufactory hath in this Nation Therefore humbly Craveing His Grace and honourable Estates to Consider the premiſses And not only to Declare the Petitioners ſaid undertakeing to be a free Manufactory under the name of The manufactory of Northmills in Aberdeen ſhire But also Indue the ſame with ſuch immunities and priviledges as were granted to Newmills or any other free manufactory in this Nation And in regaird this Manufactory is ſo useful to the ſhire where it is ſet up and that many there are convinced of the benefite thereof and that the proposal made for breeding of young boyes will very much tend to the improvement of their Manufacture And in respect the Petitioner is resolved to contribute his best endeavours and bestow what of his own ſtock he can ſpare on this undertakeing It was therefore humbly proposed That his Grace

and the honourable Estates of Parliament would Recommend to the Commiſsioners of Supply in Aberdeen ſhire to concurr in ſupport of this Manufactory And if they find it neceſsary for the ſhire that it be ſupported and boyes bred in the terms of the Petitioners proposal to impower the ſaid Commiſsioners of Supply to impose on the ſhire any ſum not exceeding a weeks ceſs yearly towards the maintainence of ſuch boyes as ſhall be imployed in the ſaid manufactory And that at the ſight of the ſaid Commiſsioners themselves under ſuch limitations and orders either as to the uplifting thereof or paying the ſame to the Petitioner or masters of the work as they shall think fit as the ſaid Petition bears Which Petition Her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing this day considered They have Declared and hereby Declare the above undertakeing to be a free Manufactory under the name of The Manufactory of Northmills in Aberdeen ſhire And have Granted and hereby Grant to the ſame all the immunities and priviledges by Law competent to other manufactories in the Kingdome except the manufactory of Newmills And also for ſupporting of the foresaid proposal for breeding of young boyes They Allowed and Impowered and do by thir presents Allow and Impower the Commiſsioners of Supply of the ſhire of Aberdeen after due intimation made to the haill Commiſsioners of Supply for the ſaid ſhire to meet for that effect to Impose from year to year for the space of five years upon the ſaid ſhire any ſum not exceeding ane thousand pounds yearly payable according to the proportion of Ceſs to the Petitioner for maintaining and breeding the abovewritten number of boyes And provideing alwayes the former years Thousand pounds be accounted for by the Petitioner to the ſaid Commiſsioners of Supply before their imposeing of another year.

[Exporting wooll]

THE Act anent the prohibition of exporting Engliſh or Irish wool till the next Seſsion of Parliament read again And after much debate the vote being asked Proceed or Delay, carried Delay.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER 11, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the proprietors of the woollen manufactory at Muſsilburgh Desireing it might be Declared a Manufactory with the ordinary priviledges, read and granted as follows.

Act in favors of the Woollen Manufactory of Muſsilburgh

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of John Drummond of Newtoun Patrick Home Writer to the Signet and Robert Hunter Merchant in Edinburgh for themselves and remanent proprietors of the woollen Manufactory of Muſsilburgh Humbly Shewing unto them that the petitioners and their partners haveing been carrieing on ane woollen manufactory at Muſsilburgh these feveral years bygone wherein considerable quantities of broad cloath are made and finished tending very much to the imploying and maintaining a great many poor people and preserveing great ſums of money within the Nation which was neceſsitat to be ſent abroad for buying ſuch cloath in former times to the publict honour and advantadge of the Nation And the Petitioners haveing upon the faith of the many good laws made in favors of manufactories been encouraged to adventure a considerable ſtock there But haveing no particular Act erecting them in a manufactory Therefore humbly craveing his Grace and the right honourable the Estates of Parliament to Creat and Erect the ſaid Work in and Declare the ſame to have been to be now and in all time comeing ane free Manufactory to be called The Woollen Manufactory of Muſsilburgh And to give and grant to the Petitioners and their partners and ſuch as ſhall hereafter be aſsumed by them and their Succeſsors proprietars thereof all and ſundry benefites priviledges freedoms and immunities granted and provided to any other manufactories by whatever law cuſtome or Act of Parliament made or to be made in favors of the manufactory of this Nation as the ſaid petition bears. Which her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing this day considered and being therewith rypely advised They have Erected and do hereby Erect the foresaid Work in and have Declared and hereby Declare the ſame to have been to be now and in all time comeing ane free Manufactory to be called The Woollen Manufactory of Muſsilburgh and have Granted and do by thir presents Grant to the Petitioners and their partners and these whom they ſhall aſsume and their Succeſsors all and ſundry benefites priviledges freedoms and immunities granted to any other Manufactory by whatever law custome or Act of Parliament made in favors of the Manufactories of this Nation except the extraordinary Immunities granted to the Manufactory of Newmills in ſo far as the ſame exceeds the priviledges granted to other Manufactories.

THE Petition of William Hog of Harcarse in behalf of his woollen Manufactory of Harcarse to the ſame purpose read and granted, as follows.

Act in favors of William Hog of Harcarse

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of William Hog of Harcarse Humbly Shewing unto them

for a Woolen Manufactory at Harcarse & Boigend

that great advantadge ariseth to other Nations by erecting and carrying on of Manufactories especially those of cloath and ſtuff: And that experience testifies that considerable advantadge redounds to this Kingdom by ſeveral ſocieties and other particular privat persons adventurers in ſetting up of manufactories haveing been encouraged thereto by several laudable Laws and Acts of Parliament of this Kingdom And particularly the petitioner hath Adventured and Employed a great part of his ſtock these two or three years bygone in building of houses walk mill and yeard for Woollen manufactory at his lands of Harcarse and Boigend within the ſherifdom of Berwick and imploying many persons both of Engliſh and Scots tradesmen ſkilfull in ſpinning weaveing walking mixing litting and dreſsing of woollen yearn and other materials for makeing of cloath ſtuff ſtockings and others of wool and lint And about which work a number of other poor people are imployed to win their livelihood And which Manufactory is now come to a considerable perfection so that it is notourly known the petitioners Manufactory did make dreſs and lit as much red cloath as did furniſh all the Earl of Hyndefoords Regiment of Dragouns with cloaths this last year and that in a very ſhort space And that the ſaid Manufactory may be better improven if due encouragement be given thereto Therefore humbly Craveing his Grace and the honourable Estates of Parliament to Erect the ſaid work in a Manufactory to be called The Woollen Manufactory of Harcarse and Boigend and to Statute and Ordain the ſaid Manufactory to have right to bruick and enjoy all the priviledges and immunities provided in favors of any other Manufactory by the former Laws of this Kingdom And particularly all priviledges and immunities granted by Act of Parliament in favors of the woollen Manufactory of Newmills dated the fourteenth day of June I^m^ vj^c^ and ninety three years as the ſaid petition bears Which her Majesties high Commissioner and the ſaid Estates of Parliament haveing this day considered and being therewith ripely advised They have Erected and do hereby Erect the foresaid work in a Manufactory to be called The Woollen Manufactory of Harcarse and Boigend and have Granted and do by thir presents Grant to the ſaid Manufactory all the immunities and priviledges by law competent to other manufactories in this Kingdom except the extraordinary immunities granted to the Manufactory of Newmills in ſo far as the ſame exceeds the priviledges granted to other Manufactories.

[English & Irish wool]

THE Act for continueing the prohibition of Exporting Engliſh and Iriſh wool till the next Seſsion of Parliament being read again, a clause was offered to be added allowing ſheep ſkins and lamb skins with wool upon them to be exported till next Seſsion of Parliament And after ſome debate thereon the Act was considered paragraph by paragraph And the Narrative with the clause continueing the prohibition of [Exporting] English and Irish wool till next Seſsion of Parliament inclusive put to the vote and approven, Then the general clause to diſcharge the Exporting any kind of wool being read The question was ſtated, If the clause allowing the Export of ſkins with wool upon them ſhould be added thereto, Yea, or No, and Carried in the affirmative; After which it being moved that an additional duty might be imposed upon all skins to be exported, and ſome cautions adhibited for hindering other wool to be exported together with that upon ſkins The question was thereupon first ſtated Proceed or Delay And thereafter ſtated Approve the Act as it ſtands or No: And the vote being asked whether the first or the ſecond question ſhould be voted, Carried that the first question ſhould be voted, And then the vote being aſked Proceed or Delay carried Delay.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER III, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

Allowance for the Lord Advocat Sr David Dalrymple and Sr David Cunninghame to plead for the Lady Edinglaſsie ag^t^ the Laird of Pourie

PETITION by the Lady Edinglaſsie against the Laird of Pourie read and Ordained to be ſeen and Answered the first day in which the Parliament ſhall think fit to proceed upon privat buſineſs, And the Lord Advocat Sir David Dalrymple and Sir David Cunninghame allowed to plead for the petitioner in the Cause mentioned in the petition.

[George Dundas]

PETITION for George Dundaſs relating to his ſummonds for a protection offered, And all parties and their procurators in both these causes Ordained to be ready, and attend the ſaid next diet of Parliament for privat buſineſs.

[Exporting of wool]

THE Act anent the Exporting of wool farder proceeded in And a clause offered to Regulat the exporting ſkins with wool on them read, It was agried to without a vote That no ſkins with wool on them be exported from any place in this Kingdom excepting three ports only Two of which three to be appointed in the western coast and One in the firth And the vote being aſked whither the port of Leith or that of Borroustounneſs ſhould be appointed for the Firth, It carried Borroustounneſs: Then the vote was asked whither Newport

Glasgow or Air ſhould be appointed for the adjacent parts of the western coast and carried Newport Glasgow, After which the vote was aſked Whither Dumfreis or Kirkcudbright ſhould be appointed for the more ſoutherly parts of the ſaid coast and carried Dumfreis.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

SEPTEMBER VI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Earl of Marchmont desired that he might be allowed to withdraw an Overture by way of Act which had lately been presented by him and was appointed to ly on the table but had not yet been read The which desire was granted, and the Clerks were appointed to give back the Overture.

THEN his Lordſhip presented an other Overture by way of Act which was read And the question being put If the ſaid Overture ſhould be marked in the Minuts or not; It carried in the negative.

PETITION by the Earl of Crauford anent the arrears due to him and his Regiment being read It was moved that the Petitioners case be Remitted to the Lords Commiſsioners of her Majesties Thesaury And that he have a liſt of Execution at the instance of his Creditors for the debts mentioned in the petition till the next Seſsion of Parliam[t] Which was agreed to, And the Act thereon in his favors is as follows.

Act in favors of the Earl of Crauford

HER Majesties High Commiſsioner and the Estates of Parliament haveing heard the Petition of John Earl of Crauford humbly Shewing unto them that in the year I[m] vj[c] and ninety five the Regiment of foot then under the Command of the Petitioner as Collonell being on the Scotiſh Establiſhment, the Petitioner was neceſsitat to contract with Sir George Home and his partners, and with Alexander Bruce and Patrick Chalmers for cloathing the ſame And on that occasion became personally engaged to pay to them a very great ſum of money and whereof he hath been constrained to make payment of a considerable part But ſince the disbanding of his ſaid Regiment he has never been able to recover his payment from the Thesaury nor obtain himself relieved of his engagement to Sir George Home Alexander Bruce and Patrick Chalmers nor to procure payment of his Arrears; Whereby His Grace and their Lordſhips might see plainly how much the Petitioner ſuffers on this publict Account And how just and reasonable it is that he ſhould not only be reimbursed of what he has advanced, but likewayes that he ſhould be relieved of what he ſtands engaged for, and for payment whereof he is dayly molested and threatned with the rigour of all manner of legal diligence And also that he ſhould be payed of his haill arrears which are truely resting now these six years bypast And seeing the Petitioner instantly verified what he repreſented by the ſaid Petition by most probative documents therewith produced And that it is but too certain that after the riseing of this present Seſsion of Parliament he will be no longer able to protect either his person or effects from the diligence of his ſaid Creditors Therefore humbly Craveing His Grace and their Lordſhips ſeriously to consider the preſsing and urgeing circumstances of the Petitioners present case and to provide ſuch effectual remedy and give ſuch certain orders as he may not only be reimbursed of what he ſhall instruct he has truely advanced and payed with interest; But also that he may obtain his full relief of his ſaid Engagement on the foresaid publict Account and procure payment of his haill foresaid Arrears as the ſaid Petition bears: Which Her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing on ꝑe date hereof considered and being therewith well and ripely advised They by their Interloquitor thereon have Recommended and do by thir presents Recommend the Petitioner to the Lords of her Majesties Thesaury for the reimbursement of what he has advanced and payed upon account of his Regiment with annualrent and for payment of the arrears due to himselfe and Regiment, and in the mean time They have Sisted and do hereby Sist Execution of diligence against him for the debts abovementioned untill the next Seſsion of Parliam[t] inclusive Thereafter and before Extracting hereof Her Majesties Commiſsioner and the ſaid Estates of Parliament haveing heard a Petition given in for Sir George Home of Kello and his partners against the abovewritten Petition of the Earl of Crauford and Deliverance thereon abovementioned humbly Shewing unto them that where in a Petition presented by the Earl of Crauford it is represented that the Earl haveing Contracted with Sir George Home and his partners for cloathing to his Regiment in anno I[m] vj[c] and ninety five, The Earl not only Craves as is informed to be reimbursed of what he hath payed or advanced as Collonell for the Regiment and that he may have a full relief of his engagement upon the publict account as Collonell to the ſaid Regiment But likewayes that all diligence at the instance of the ſaid Sir George Home and partners may be ſuperceeded till the next Seſsion of Parliament It was humbly Represented for Sir George Home and partners That whatever ground the Earl may

Crave ſuperceeding Execution as to others yet as to Sir George Home and his partners the Earl ought not to crave In respect Sir George Home and his partners offered them to prove that the Earl did actually uplift and receive the cloathing money of the ſaid Regiment from the Lords of Thesaury for the time Sir George Home and his partners cloathed them Which if the Earl had applyed for their payment they had been compleatly payed of what is ſtill resting them And furder they offered them to prove that the Earl contracted with others for cloaths to the ſaid Regiment long after their cloaths were furniſhed And has payed the ſaid cloathing since contracted for In respect whereof Sir George Hume and his partners ought to have the benefite of all legal diligence for payment of their just debt as the ſaid petition also bears. And her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing fully considered the foresaid petition They by a vote of Parliament adhered to their abovewritten former deliverance in favors of the ſaid Earl.

RESOLVED that the next day the Parliament ſhall meet be intirely bestowed on diſcuſsing privat cases without the interveening of any publict affair whatsoever.

THE Petition of Alexander Nisbet anent his book of Herauldry read again, and his case Recommended to the Lords Commiſsioners of her Majesties Thesaury as follows.

Recommendation to the Thesaury in favors of Alexander Nisbet anent his Book of Herauldry

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Alexander Nisbet Shewing unto them that Herauldrie has been highly esteemed for many ages by all the Kings and Princes in Europe and the knowledge thereof ſought after by the most honourable persons in Chriſtendome is ſo well known that the Petitioner ſupposed there's none will call in question its worth or usefulneſs which will evidently appear by the Petitioners treatise of Herauldry ſpeculative and practical now almost ready for the preſs Wherein the Petitioner has fully described the nature of Arms and given a particular Account of their beginning and rise, Also a large deſcription of all the proper and natural figures in herauldrie ſhewing by whom they are carried amongst us and for what reaſons ſo far as can be learned from the Memorials of their worthy Progenitors with ſuch Geneologicall deductions of many noble and ancient families as will instruct the rise of their paternal bearings and conduce to the knowledge of their Geneological pennons gathered with great care from authentick documents In fine as the Petitioner hath with much pains and labour collected from forreign authors, our own histories, manuscripts, old rights, evidents, charters, monuments, tombs, and seals whatsoever may contribute to the reviveing and perfecting the ſcience of herauldrie ſo he hath continued his diligence in ſearching after ſuch things as may render his book more usefull and pleaſant To which he hath also added a description of justings and turneaments and their use of old with us, So that after the space of many years the petitioner has brought his work near a close which (it's humbly presumed) will tend to the honour of the Nation the advantadge and satisfaction of many families, (whose names and honours will be thereby transmitted to posterity and made known to the engenious both at home and abroad) and may be of general use to Noblemen and others when they travell and behold the multitude of Ensigns Armorial which are met with abroad in every house whither religious or common Lastly what aſsistance a work of this nature may afford curious antiquaries for the better understanding seals medalls historie and ancient records is ſo well known to his Grace and the high and honourable Estates of Parliament that the petitioner needed discourse it no further The Petitioner not being able to defray the great charge his book will amount to in furniſhing fine large paper, printing, (especially Italick types whereof there are very few in this Kingdom) and the expences of cutting in copper plate the armorial Ensigns of this ancient Kingdom, the ſeveral divises of our Kings and many coats of arms that are to be found upon monuments churches tombs and ſeals of honourable families now extinct whose names and honours are worthy to be perpetuat Therefore he humbly Craved his Grace and honourable Estates of Parliament to take the premiſses to their generous consideration and grant an allowance (out of what fund his Grace and honourable Estates ſhould think fit) as might enable him to perfite his foresaid designe and to nominat a Receiver of the ſaid money who ſhall ſee it applyed to the ſaid ends, and to be countable to his Grace and honourable Estates therefore And lastly to Commiſsionat ſuch persons as his Grace and honourable Estates ſhould think fit to revise the Petitioners papers and oversee the preſs that nothing paſs derogatorie to the honour of this ancient Kingdom or any particular family as the ſaid petition bears. Which her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing this day considered They have Recom ended and hereby Recommend the case of the Petitioner to the Lords Commiſsioners of the Thesaury to grant him allowance of Two hundreth fourty eight pounds ſix ſhilling eight pence ſterling out of what fund they ſhall think fit And to appoint persons to revise the Petitioners papers to the end mentioned in the petition.

[Mealmongers at Leith] PETITION by the Mealmongers at Leith read, And the Magistrats of Edinburgh appointed to make answer thereto the nexf Sitting of Parliament peremptorie.

[Martin of Burntbrae] PETITION by Robert Martin of Burntbrae relating to his tack of the Excise in Aberdeen ſhire, read and delayed till the Parliament appoint the fonds for maintaining the forces and other publict Expences.

[Shire of Caithneſs] THE Act in favors of the ſhire of Caithneſs read again.

THE Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Petition by Sir Alexander Dalmahoy of that Ilk for a relief of his fathers Cautionrie for Henry Legat late Collector of the Ceſs in the ſhire of Mid Lothian who at the desire of the Commissioners of Supply in the ſhire for the time had furniſhed certain quantities of corn ſtraw and hay to the forces in the year I^m vj^c^ and ninety one read again, And it being moved and agried to That no Singular ſucceſsor in Lands within the ſhire ſince the ſaid time could be lyable to any ſuch relief, The vote was asked Grant the desire of the Petition with that quality, or not, and Carried in the affirmative, And accordingly the ſame was granted in manner following.

Act in favors of Sir Alexander Dalmahoy. HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Sir Alexander Dalmahoy of that Ilk Humbly Shewing unto them That the Commiſsioners of Supply of the ſhire of Edinburgh haveing appointed Henry Legate their Collector to furniſh the forces with hay corn and ſtraw at the rates appointed by the Act of the Lords of his Majesties Privy Councill and engaged that he ſhould be no loser by buying at the current price though the same ſhould exceed the rates appointed by the Privy Councill By vertue whereof he began to furniſh at Candlemaſs I^m vj^c^ and ninety one years and the current price at the time haveing been far above the price appointed by the Privy Councill he did represent the ſame in April thereafter to the Commiſsioners of Supply who desired him to continue to furniſh the forces as formerly and renewed their Engagement that he ſhould be no loser thereby Upon the faith whereof he continued to furniſh accordingly, By this and other loſses ſustained through the publick Henry Legate turned bankrupt And Sir John Dalmahoy the Petitioners father his Cautioner was distreſsed for Ceſs and other Arrears due by him And upon ultimate diligence was neceſsitat to pay ten thousand pounds Scots And the petitioners father haveing applyed to the Commiſsioners of Supply foresaids for Reimburseing Henry Legate of the damnages he had sustained by furniſhing the forces in manner foresaid And they haveing appointed a Committee to consider his Accounts and to report; After full consideration thereof and probation taken anent the difference of the current rates and these appointed by the Privy Councill upon Report they found that the ſaid Hary Legate was no leſs loser dureing his ſervice as Commissar than the ſum of one thousand and ſeven hundreth pounds Scots but scroupled to lay on the ſame upon the ſhire unleſs the authority of Parliament be Interponed thereto as was instructed by the Sederunt, Probation Report and Acts of the ſaid Commiſsioners of Supply produced. And seeing that the foresaid ſum is but a small part of the loſs the petitioners father and he hath ſustained and a true and real debt upon the ſhire and the only ſmall fund of the petitioners relief and nowayes proportional to what his father payed as ſaid is he Therefore humbly begged that his Grace and the honourable Estates of Parliament would be pleased to take the premiſses and the great loſs the petitioners father and he have ſustained to their consideration And to authorize the Commiſsioners of Supply to lay on the foreſaid ſum of One thousand and ſeven hundreth pounds Scots upon the respective Heretors conform to the valuation And to allow the petitioner ſuch diligence for inbringing thereof as is granted for supply and other publict burdens as the ſaid petition bears For instructing whereof the ſaid Sir Alexander Dalmahoy the petitioner produced in presence of her Majesties ſaid Commissioner and the Estates of Parliament the Minuts of Sederunt of the ſaid Commiſsioners of Supply, the probation taken before their Committee and their report with the acts abovementioned relating to the matter above represented as the ſamen bears Which petition with the ſaid instructions thereof produced Her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing this day considered They Authorized and do hereby Authorize the Commiſsioners of Supply of the ſhire of Edinburgh to lay on the above ſum of ſeventeen hundred pounds upon the respective Heretors of the ſhire conform to their valuation And have Allowed and hereby Allow ſuch diligence for inbringing thereof as is granted for supply and other publick burdens Declaring alwayes likeas it is by thir presents Declared that this Act ſhall not

extend to these Heretors of the ſhire who are ſingular ſucceſsors in their Lands ſince the year I^{m} vj^{c} and ninety one.

[Sir George Home of Kello] PETITION by Sir George Home of Kello and partners relateing to the liſt of Execution granted by deliverance upon a petition in favors of the Earl of Crauford, read, and the vote asked Adhere to the ſaid deliverance Yea or No carried Adhere, as is fully contained in the Earls act dated and recorded the sixth instant.

THE Petition by the Heretors of the ſhires of Inuerneſs and Roſs with the Answers for Duncan Forbes of Culloden, read, relateing to an act of Parliament obtained by the ſaid Duncan in the year I^{m} vj^{c} and ninety Taxing the yearly Excise of Aquavitæ brown in his lands of Ferintoſh to four hundreth merks yearly; And after debate the vote being stated Rescind the act in ſo far as concerns the excise or No, Carried in the negative: But the effect of the act was restricted of consent to the grouth of the ſaid lands allennarly in manner at length following.

Act in favors of Duncan Forbes of Culloden HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of John Master of Tarbat Roderick Mackenzie of Applecroſs and Hugh Monro of Teaninich for themselves and the other Heretors of Inuerneſs and Roſs ſhires humbly Shewing unto them That where Duncan Forbes of Culloden upon a petition to the Parliament in the year I^{m} vj^{c} and ninety representing that his Lands of Ferintoſh had been about that time laid waste did procure an act of Parliament farming to him the Excise of the ſaid Lands for the ſum of four hundreth merks yearly And reduceing the valuation thereof from Two thousand pounds to Twelve hundreth pounds Scots and a great part of this abatement laid upon the ſhire of Inuerneſs and added to the quota of their Ceſs The Petitioners did not there quarrell the ſaid representation albeit it was ſufficiently known that no part of these lands was laid waste for ane year and the greatest abatement given to the Tennents did not Exceed ane half years rent; But certainly it cannot but be noticed that though the loſs had been far greater it is long since abundantly repayed and it can never be thought that the Parliament intended the foresaid grant to be perpetual it being so manifestly prejudicial both to all the Countrey about and more especially to her Majesties interest In as much as first under the colour of the said four hundreth Merks yearly Culloden upon a very reasonable computation may have browen within these Lands Two thousand bolls of malt for aquavitæ yearly Which at two merks per boll as others do pay amounts to four thousands merks yearly Whereas at Cullodens rate of four hundreth merks he does not really pay three pence per boll So that in a manner he brews Excise free and thereby undersells and ruins his neighbours as effectually as if he had a monopolie which all laws condemn And farder her Majestie is obviously prejudged in Three thousand ſix hundreth merks yearly Besides that Culloden may augment his brewing and make the ſaid prejudice both to Queen and Country far greater, And as to the valuation of the ſaids Lands at Two thousand pounds Scots It is really as easie as any valuation of lands in either of these ſhires tho it was restricted to Twelve hundreth pounds without any probation which ought the rather to be redreſsed because the Act of Parliament I^{m} vj^{c} and ſeventy for revaluation of the ſhire of Nairn doth plainly afford the proper remedy by the Commiſsioners of the ſhire Besides that the ſhire of Inverneſs ought not to be burdened with the foresaid abatement, Therefore Craveing His Grace and their Lordſhips in consideration of the premiſses to Declare the foresaid act in Cullodens favors expired and extinct as to the foresaid tack of his Excise and to ordain the foresaid undervaluation to be rectified and the just proportions of the ſhires to be adjusted by such Commiſsioners as His Grace and their Lordſhips should think fit for that effect as the ſaid Petition bears Upon Reading whereof on the twenty fourth of June last His Grace and the Estates Haveing Ordained the above Duncan Forbes to answer it the ſecond day wherein the Parliament ſhould Sit the then next week The ſaid Duncan conform to the foresaid Interloquitor Gave in the following Answers Mentioning that his Lands of Ferintosh being laid waste in October I^{m} vj^{c} and eighty nine by a body of seven or eight hundred men ſent there by Buchan and Cannon and he and his Tennents being prejudged thereby in upwards of Thirty six thousand pounds Scots as was made appear to the Parliam^{t} by whose order full probation thereanent was taken, The Estates did by their Act in July I^{m} vj^{c} and ninety ease him of an exorbitant valuation which he had long complained of upon condition he ſhould pay Ceſs from that date And also for encouragement to his Tennents to come back and brew and pay Excise from that Lambmaſs foreward the King and Parliament did grant a perpetual tack of their Excise for the payment of four hundreth merks yearly at which rate they had tacks formerly betwixt the I^{m} vj^{c} and ſeventy and I^{m} vj^{c} and eighty year of God as was proven in presence of a Committee of Parliament before the act past though it is confest that immediatly before the Revolution they were more rigorously exacted upon This justice done to Culloden in his valuation and this ſmall ease to his Tennents in their Excise is all the reparation he or they have of their Thirty six thousand pounds Loſs for their

affection to the Government Yet it is complained upon by the Master of Tarbat in behalf of the ſhires of Inverneſs and Roſs, Alledgeing first that Culloden's valuation wrongs the ſhire of Inverneſs &c. Secondly That his tack of Excise wrongs the Queens revenue in Three thousand six hundred merks per annum Thirdly That his tack of Excise wrongs his Neighbours in ſo far as he can undersell them and monopolize the brewing trade &c. Fourthly That all his loſs was not above half a years rent &c. Fifthly Altho it were as much as he called it yet he is payed Because he had the benefit of four thousand merks of Excise yearly for twelve years bypast And therefore Concludes that ſince his Loſses are repaired his ſaid tack of Excise ſhould be declared expired and extinct To the first Anent the ſhire of Inuerneſs it's being wronged by Cullodens valuation It's answered that it's jus tertii to the Master of Tarbat and the ſhire of Roſs or any man in it who has no Estate in the ſhire of Inuerneſs, to inquire in that. If the Commiſsioners of Inuerneſs or Nairn ſhire ſay nothing upon the head, It is out of the road of any else whatsoever to quarrell it Secundo The Laird of Grant in anno I^{m} vj^{c} and ninety did represent the ſhire of Inverneſs in Parliament and gave consent and approbation to Cullodens valuation in the terms of his act and was witneſs to the unanimous ſatiſfaction of all the Commiſsioners of that ſhire in accepting of that ſmall burden proposed by the act But Tertio If what is ſaid were not ſufficient Culloden can ſay that none of the ſhire of Inverneſs bears a farthing of that burden but himſelfe upon his other Lands in the ſhire Referring the verity of what is said to the Laird of Grants own testimony. As to the ſecond Objection That Cullodens tack of Excise wrongs the Queens revenue Thirty six hundred merks per annum &c. It is answered first That this is founded upon a false ground as if Cullodens tennents brewed Two thousand ℔olls yearly (which is very far from the truth) and reckoning all these bolls at two merks the boll which is the rigour of the act of Parliament Whereas it is known that except it be in Edinburgh and ſome of the principal Burghs there is no ſuch thing exacted as the rigour of the Law Yea in many Country places the excise will not reach half merk upon the boll else there would be no brewing. But letting this alleadgeance paſs It is answered Secundo That the whole excise of the Kingdom is and has been farmed, above what it wont to be, ever since the granting of Cullodens act and that without diminution of one Six pence on account of his said act So that it is impoſsible the Queen can be wronged in her revenue unleſs the Tacksmen and their Cautioners break which would also be nothing to the purpose in hand, And therefore this objection utterly falls. But as to the third anent Cullodens underselling &c. and monopolizeing the trade from his neighbours by means of the vaste benefite of this tack It is answered that Cullodens Tennents never undersold their neighbours (except in the cases aftermentioned) nor can they undersell them upon account of Excise; But it is both poſsible and probable that in the two or three dear years when he took but eight pounds for his boll and all the rest about him took the highest prices such an occasion might occasion his tennents to undersell but never upon account of excise which has been as cheap with them at other times as now notwithstanding of all the noise is made of it And Secundo as to monopolizeing It is no great symptome of a monopoly that at this hour his years rent ſhould ly upon hand without any to buy But to answer this part of the objection distinctly let the ſupposition be as the Complaint would make it and that the Lands of Ferrintosh were intirely exeemed from Excise as well as Newmills or Fort William or that they were lyable in a great excise and that the King forgave it, either of which the King or Queen can certainly doe, Nor is it the buſineſs of any liveing to quarrell it unleſs it can be said that the King or Queen and Estates have also given them a power to carry it from other places and brew and vend that too as well as their own Excise free to the prejudice of their neighbours which is the thing insinuat and most groundleſsly Because Culloden denyes that ever he took, or that his act of Parliament gave him or his any ſuch latitude But on the contrary understands the meaning of the act to be only for the excise of what grows upon his own lands (and leſs the Parliament could not mean) to which he is and was alwayes ſatisfied to be restricted With Certification that whatever grain ſhall be carried from any place into his lands (except it be to eat or ſow) ſhall be lyable to excise by and attour the tack duty which ſecures to the worlds end against all Monopolies or ever encreaseing the trade by him or his to any bodies prejudice, And as to the fourth objection, That Cullodens loſs in giveing allowance to his Tennents was not above half a years rent It is ill alleadged But esto he had allowed them nothing does that ſay that they lost nothing And if they were losers to so great a value whatever ease there is in the excise they have it (as in reason they ought) and not Culloden For there is none alive can say that ever he had a single half penny by it Which also answers the fifth objection viz. That though Culloden had as much loſs as he alleadges yet he has had four thousand Merks per annum of benefite by the excise tack for thirteen years which may pay all these loſses and therefore his loſses being payed his Act of Parliament ought to expire It is answered the alleadgeance is but a jest Because as is already ſaid Culloden never had nor can have an half penny by that Excise the principal good of it being that it keeps his Tennents free from the trouble and Exactions of ſubtacksmen by whom

they were formerly oppreſsed And ſince this bit of ease to the poor people is all that he or they have to repair the Thirty six thousand pounds Scots of damnages ſustained for his affection and theirs to the Government It was hoped His Grace and the Estates of Parliament would not deprive them of it but would rather lay aside this invidious complaint and Ratifie what has been given to Colloden and his Tennents upon ſo good grounds, as the ſaid Answers also bear. And the Petition above-written being again upon the day and date of thir presents read together with the abovewritten answers thereto in presence of her Majesties high Commiſsioner and the ſaid Estates of Parliament and they haveing fully Considered the ſame They have Refused and hereby Refuse to Rescind the foresaid Act of Parliament But have Restricted and hereby Restrict the priviledge thereby granted to the grouth of Culloden's own lands of Ferintosh allennarly ſo as all other grains to be imported unto the ſaid Lands to be brown ſhall be lyable to Survey and Excise as in any other lands in that Countrey.

PETITION by Sir William Douglaſs anent his Arrears and ſome reparation for the loſs of his Estate in France, read And the Petitioner thereupon Recommended to the Lords Commiſsioners of the Thesaury for his Arrears, And to the Queen's Majestie for the ſaid reparation in manner fully aftermentioned.

Recommendation in favors of Sir William Douglaſs

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Sir William Douglaſs humbly Shewing unto them that the Petitioner haveing had his Regiment disbanded at the late peace and great ſums of both ſubsistance and arrears owing him at that time he was neceſsitat to contract debts upon the Credit of the publict which he has ſince partly payed out of his own and is like to be diſtreſsed for the remainder He humbly begged leave to represent That dureing the late war he was forfeited of his whole Estate in France and never had any consideration in lieu thereof And that in June I^m^ vij^c^ and two years he was to have been payed off near the one half of the ſaid estate which he ſold when last in France but the declaration of this present war has frustrate him of it Which haveing been Represented to the Queen Her Majestie has been graciously pleased to ſhew a good intention to do for him Therefore humbly Craveing His Grace and the honourable Estates to Consider the Petitioners ſingular case in laying down a way that his Arrears of Two thousand five hundred and nineteen pounds Sterling (as it appears by the ſtated accounts of the Lords of her Majesties Thesaury) may be payed him And that he may in consideration of the loſs of his Estate and as a just premium due to his long faithful ſervices have ſuch a recommendation from his Grace and the honourable Estates to her Majestie that ſomething may be done to keep him and his family from ſtarveing haveing nothing left him but their equity and justice to depend upon as the ſaid Petition bears Which Her Majesties high Commiſsioner and the ſaid Estates haveing this day fully Considered They have Recommended and do by thir presents Recommend the Petitioner to the Lords Commiſsioners of her Majesties Thesaury for the payment of his above arrears As also They have Recommended and hereby Recommend him to her Majesties grace and favour for ſome reparation for the loſs of his Eſtate.

[Manufactory of Earthen ware]

THE draught of the Act for a Manufactory of lame purslaine and earthen ware in favors of William Montgomery and George Lind, read for the ſecond time, put to the vote and approven.

THE action at the instance of the Laird of Moriſtoun against Sir James Cockburn to declare the trust of certain bonds in the defenders person for the behove of the pursuers father, called, And the Advocats for either party heard, The cause was Remitted in ſtatu quo to be diſcuſsed ſummarly before the Lords of Seſsion, as it particularly follows in the Remit.

Remit to the Seſsion of Ker of Moriſtouns cause against Sir James Cockburn

ANENT the Petition given in and presented in the moneth of July I^m^ vj^c^ and ninety years to his Majesties then Commiſsioner and the right honourable the Estates of Parliament by John Ker of Moristoun humbly Shewing that where Sir James Cockburn of that Ilk was debitor to the deceased Mr Mark Ker of Moristoun in more than the ſum of fourty thousand merks principal and that for above twenty years for which he payed intereſt all that time And at length the debt was brought to seven or eight thousand merks for which he also payed annualrent ever till within a twelve moneth before the giveing in of the ſaid petition and never did move any question thereanent until Candlemaſs then last that his condition became incumbred and he plainly failed as was notour to all At which time when the petitioner came to crave him or to get ſecurity from him for the ſaid ſum of seven or eight thousand merks He instead of granting of it pretended that there was due to him (as Aſsigney) by the ſaid deceased Moristoun as debitor the ſum of fourteen thousand merks or thereby of principal with fifeteen or sixteen years annualrent which he pretended that the petitioner as heir to his father ſhould pay to him; Which demand was a great surprise not only to the petitioner, but to all that ever heard or knew of the dealings that had been betwixt the ſaid

deceased Mr Mark Ker and the ſaid Sir James; who juſtly thought that there could not be but a great miſterie in it And that in effect the ſaid Sir James had either taken Aſsignations to the ſaid bonds in place of Diſcharges the ſame haveing been truely payed by Moriſtouns money; or had filled up Aſsignations taken blank in the name to Moriſtouns behoof now with his own name there haveing been certainly a most exuberant truſt and great intimacie betwixt them And seeing that a fraud and circumvention of this nature is hardly discoverable by ordinary methods but doth indeed deserve a parliamentary cognition And therefore humbly Craveing His Grace and their Lordſhips in consideration of the premiſses to aſsume this affair to their own cognition and to referr the tryal thereof to the Commiſsion for fines and forfeitures With power to them to cite parties and witneſses and to examine and cognosce upon the whole matter and to report to the next Seſsion of that Parliament for the better discovery of so presumeable a fraud as the ſaid petition bears, WHICH being upon the nineteenth of the said moneth of July Ic vjc° and ninety years considered by their Majesties high Commiſsioner and the ſaid Estates They Remitted the tryal thereof to the Commiſsion appointed for fines and forefeitures With power to them to cite parties and witneſses and to examine and cognosce upon the whole matter and to report the ſame to the next Seſsion of that or any ensueing Parliament TO which Commiſsion of Parliament the said John Ker of Moriſtoun Gave in a petition Shewing that where there being a great intimacie and truſt betwixt the deceased Mr Mark Ker of Moriſtoun the petitioners father and Sir James Cockburn of that Ilk particularly as to the contracting and diſchargeing of debts by the iſsue whereof Sir James was debitor to the petitioners father in no leſs than the ſum of Thirty three thousand Merks for which Sir James had not only payed annualrent for many years then bygone but by payments from time to time partly to the petitioners father partly to his eldest brother and partly to himself diminiſhed the principal Sum to a small remains of Eight or nine thousand merks In all which space Sir James never made the least mention of any debt due by the petitioner, his father or brother to him until of late that Sir James his condition came to be encumbered and that the petitioner thereupon applyed to him either for payment or better ſecurity of the ſums he owes him At which time and not before that he was pleased to say that the petitioner was debitor to him by bonds granted by his father and aſsigned to him for about fourteen thousand merks principal and sixteen years annualrent Which being a great ſurprise and certainly a great abuse the petitioner for preventing the transferring of the bonds or arriestments of his Creditors thought fit to raise Declarator for diſcovering the abuse and defeating ſo evil a contriveance But the affair appearing to be more dark and miſterious by reason of the foresaid exuberant truſt than can well be discovered by the ordinary Courts and methods of Law The petitioner applyed to their Majesties and Estates of Parliament as in a matter deſerveing a parliamentary Cognition and obtained it to be referred to the aforesaid Commiſsion for to try and report Whereupon he then repreſented to the ſaid Commiſsion his Complaint and reasons thereof in manner following And the thing that the Petitioner Complained of was that there haveing been several bonds as one of five thousand merks principal to Alexander Bothwell younger of Glencorse another of three thousand merks to Walter Riddell another of Two thousand merks to Mr James Aikenhead, another of Three thousand merks to Linplum with ane or two more In all which Bonds the petitioners father and Mr Alexander Spottiswood are bound either as coprincipalls or as principall and cautioner And which bonds Sir James hath been either oblidged to pay for the petitioners father or hath actually payed them with his fathers money Yet haveing taken blank aſsignations first to severals of them for the petitioners fathers use and keept those assignations by him undelivered he had then at length filled up his name or the name of ſome others to his behoove in those aſsignations and then owned them as bonds due to himselfe by vertue of the ſaid Aſsignations and that most wrongously for the reaſons following viz. First Because to give a true Account of the ſaid affair appears to be the trueſt method for discovery of the abuse that certainly lyes at the bottom; But so it is that the true ſcheme of it appears to be thus viz. That the Petitioners father was engaged with and for the deceased Alexander Spotiswood to one Stevenson for the ſum of Twenty ſeven thousand merks which afterward fell to and was divided amongst four of his daughters And for the petitioners fathers relief he got a disposition and infeftment from Spotiswood of his Lands of Crumstane And in the mean time the daughters and their husbands Craveing the moneyes, the petitioners father was neceſsitat to pay them and for to raise moneys he and Spotiswood do again give the foresaid bonds which were then in contraversie betwixt Sir James and the petitioner And as the Petitioners father did therewith pay the Stevensons so he took blank Aſsignations to three of their parts and the half of the fourth part Thereafter Sir James designs the purchaseing of the Lands of Crumstane and the petitioners father haveing an Infeftment upon it for thirty three thousand merks besides the foresaid infeftment for his relief Sir James became debitor to the petitioners father for the thirty three thousand merks and takes the petitioners fathers right upon the Lands As also his father makes over to the ſaid Sir James

his infeftment of relief for the Twenty ſeven thousand merks and fills up Sir James his name in the blank aſsignations that he had taken of these parts of it that he had payed to the Stevensons Whereupon Sir James granted the petitioners father a backbond which was produced to the Commiſsion Wherein he declares that he was to make no use of these aſsignations against the petitioners father but only to affect the Lands of Crumstane And farder oblidges him to relieve the petitioners father of that half of the fourth part of the Stevensons money that was then unpayed But that Sir James might not have the petitioners fathers Infeftment of relief with those blank aſsignations for nothing Sir James was to pay and retire the petitioners fathers bond abovementioned which he had granted for to raise money for to pay the Stevensons in manner above declared; But whither Sir James became oblidged in write to do this or that it was an exuberant trust left upon Sir James without any formal engagement is the point ſtill in the dark Only that thus it truely was appears by two Letters written and ſubscribed by the petitioners fathers own hand two moneths before his death to the Lord Mersingtoun about this affair wherein he plainly ſhows what bonds Sir James was to pay and that he had got the aforesd aſsignations for the doing of it Which Letters being the Letters of a person long since deceased when the matter was recent and no Contraversie raised about it neither then nor for years thereafter are indeed to be received as probative documents But Secundo to evince that these bonds were to be payed by Sir James and that he was only intrusted to retire them in manner foresaid doth further appear by this argument That for ſome of the bonds viz. Glencorſses bond of five thousand merks he takes a discharge when for others of the ſame nature he takes blank aſsignations which plainly inferrs the ſame trust as to the whole, for as it cannot be imagined how Sir James came to pay a bond of five thousand merks due by the Petitioners father and Spotiswood to Glencorſs and only take a discharge of it unleſs he had been a mere trustee for the petitioners father in manner above represented So it is as evident that the other bonds to which he has aſsignations being in the ſame case these blank aſsignations were taken in trust in the ſame manner with the foresaid diſcharge Tertio that Sir James had recovered these bonds and aſsignations meerly in trust as ſaid is appeared by this obvious argument of Sir James's taciturnity viz. Is it to be imagined that Sir James would be constantly paying to the petitioner and his deceased brother and father for the space of Sixteen years and more ſometimes the annualrents ſometimes parts of the ſaid principal sum of Thirtie three thousand merks untill then that he had brought it down to eight or nine and in all that time never offer either to Compense with these bonds that now he pretends right to or so much as to crave the ordinary annualrent thereof But the truth is Sir James knew and ſtill knows that he was but a trustee therein for the petitioners father And it is more than probable that if his late ſtraits had not put him to new ſhifts he had never disowned this trust And fourthly to make out this trust yet more evidently it was offered to be proven by Writers and Witneſses concerned in these transactions and men above exception That this affair was carried and manadged in manner above related and that Sir James as to these bonds was only the petitioners fathers trustee and ante omnia Sir James's oath of calumnie was required And seeing that by the aforesaid narrative and reaſons it may be easily perceived that there is a mistery and circumvention in the ſaid matter that deſerves the Parliam^ts reference and also their determination after the ſaid Commiſsion ſhould have fully tryed and examined the case in all its circumstances and that it were a grievous hardſhip if the petitioners Estate ſhould come to be burdened with upwards of Twenty eight thousand merks of a latent debt never before heard of and whereof not one farthing is due Therefore humbly craveing the aforesaid Commiſsion appointed for fines and forefaultures to grant Warrand to Maſsers or Meſsengers for Summonding the ſaid Sir James Cockburne and also Henry Lord Sinclair Mark and Elizabeth Kers brother and sister to the petitioner Mr Alexander Swintoun of Mersingtoun one of the Senators of the Colledge of Justice Sir William Paterson of Grantoun and Mr James Dallas of Saint Martines younger his Trustees and Arreasters to compear before the ſaid Commiſsion at an certain ſhort day and failzieing thereof the next lawful day of their meeting thereafter to answer in the premiſses peremptorie in respect they are to get full copies and to bring with them the foresaid bonds and aſsignations and to hear and see the premiſses verified and proven and being ſo verified and proven to hear and see it found and declared by Decreet of their Majesties and Estates of Parliament upon the tryal and report of the aforesaid Commiſsion to be made in this matter that the ſaid bonds were truely retired by the ſaid Sir James Cockburn as Trustee for the petitioners father and to his behoove and that Sir James hath nothing to pretend againſt the petitioner or his fathers Estate by vertue of the ſaid bonds or aſsignations that he hath thereto and for which he was long ſince ſatisfied by the petitioners father in manner above narrated and that therefore the ſaid bonds and aſsignations are void and null and of no force or effect and to Cite Witneſses and for coast ſkaith and damnadge as the ſaid petition fully bears WHICH being upon the last day of July I^m vj^c and ninety years read before the ſaid Commiſsion appointed for fines and forefaultures and they haveing considered the ſame The aforesaid Commiſsion did Grant Warrand to

Maſsers or Meſsengers to cite the above deſigned Sir James Cockburn and his above designed Trustees and Arreasters to appear before the said Commiſsion on a Citation of fifeteen dayes to answer to the ſaid petition and also to cite Witneſses With Certification &c. reserveing to Sir James Cockburn at the dyet of appearance to be heard anent the competency of the cause before the ſaid Commiſsion as an act of the foresaid Commiſsion of the date abovementioned extant in proceſs bears Conforme whereunto and by vertue whereof George Gardener Meſsenger did upon the fourth of August I^{m} vj^{c} and ninty lawfully cite the ſaid Sir James Cockburn personally apprehended And Donald Cameron Meſsenger did on the eight ninth and eleventh dayes of the said moneth of August I^{m} vj^{c} and ninety lawfully Cite the forenamed Mark Ker Sir Alexander Swintoun Mr James Dallas and Elizabeth Ker all also personally apprehended and the ſaid Henry Lord Sinclair and Sir William Paterson by leaveing doubles and copies at their dwelling houses to Compear before the ſaid Commiſsion in manner to the effect and for the causes mentioned in the ſaid act and executions thereof THEREAFTER upon the twenty ninth day of September I^{m} vj^{c} and ninety the foresaid Claim and Act being called before the ſaid Commiſsion of Parliament The ſaid pursuer then compeared by Sir James Steuart (now her Majesties Advocat) his procurator who for him produced in presence of the ſaid Commiſsion the two miſsive Letters abovementioned written and ſubscribed by the ſaid Mr Mark Ker of Moristoun and directed to Mr Alexander Swintoun of Mersingtoun one dated the eleventh of January I^{m} vj^{c} and ſeventy five and the other dated the twenty ſecond day of the ſaid moneth of January Together with a bond of relief and diſcharge or backband as is abovementioned granted by Sir James Cockburn to the ſaid deceased Mr Mark Ker of Moristoun of the date the ſecond of April I^{m} vj^{c} and ſeventy three Whereby he Oblidged him that he ſhould use no Execution personal nor real against the ſaid Mr Mark and his heirs and executors upon the three bonds which are therein narrated to wit a bond granted by the ſaid Mr Alexander Spotiswood and him the ſaid Mr Mark to Margaret Stevenson daughter to umquhile James Stevenson Merchant burgeſs of Edinburgh for the principal ſum of Seven thousand five hundreth and fifty one merks Scots money dated the twenty ninth of January I^{m} vj^{c} and Sixty six years, and upon another bond of the ſame date granted by the ſaid Mr Alexander Spotiswood and Mr Mark to Gilbert Fyfe Merchant burgeſs of Edinburgh and Susanna Stevensone his ſpouſe for the principal Sum of Nine thousand five hundred and twenty eight merks money foresaid And upon another bond of the foresaid date granted by them to Mr James Roſs Writer in Edinburgh for the principal ſum of five thousand ſeven hundred and fifty merks To wch three bonds the ſaid Sir James was aſsigned in manner mentioned in the ſaid bond of relief or backbond Whereby he also exonered the ſaid Mr Mark of the whole execution and effect of the ſaid bonds ſo far as they might operat against him and his foresaids Reserveing the intire effect thereof and Sums therein contained against the ſaid Mr Alexander Spotiswood By which Bond of relief or backband the ſaid Sir James is likewayes oblidged that if the ſaid Mr Mark ſhould be diſtreſsed at the instance of the ſaid Mr James Roſs upon another bond therein deduced granted to him upon the ſaid twenty ninth of January I^{m} vj^{c} and ſixty six by the ſaid Mr Alexander Spotiswood and him the ſaid Mr Mark for the ſaid principal ſum of five thousand ſeven hundred and fifty merks or at the instance of any of the ſaid Sir James's cedents for any of the annualrents of the principal ſums abovementioned, to which he was aſsigned, preceeding his Aſsignations thereto in that case to warrand free relieve and disburden the ſaid Mr Mark and his foresaids frae all payment of the ſame and of all coast ſkaith and damnage they ſhould incurr therethrough provideing that upon diſtreſs he ſhould make timeous intimation thereof to the ſaid Sir James And alſo produced the foresaid Act of the Commiſsion or Lybell and Executions thereof abovewritten and craved that his lybell might be read which was done accordingly And the ſaid Sir James Cockburn compearing by Sir Patrick Home and Mr James Leslie Advocats his procurators they for him presented a petition Which was read craveing that Moristoun might be ordained to deliver back to Sir James several Aſsignations which he and Andrew Hog his Agent borrowed from Sir James and which papers have relation to the present proceſs and that diligence might be granted to Sir James for citeing ſuch of his Creditors to whom he hath given right to the aſsignations to Moristouns bonds now quarrelled Without the inspection of which Sir James's Lawyers can give no advice in the matter and that the Commiſsion would be pleased to grant a protection to Sir James to the end he might ſafely come and attend the dyets of this proceſs especially ſeeing the Complainer craves Sir James's oath of calumnie in his lybell Whereunto it was answered by the ſaid Sir James (then James) Steuart Advocat procurator foresaid for the Laird of Moristoun That the papers in Moristouns recept belonging to Sir James had no contingencie with the Lybell and opponed the ſame as to the particular writts therein enumerat And the Creditors to whom Sir James hath given right were cited and full copies of the lybell given and they were content that protection ſhould be given to Sir James to depone To which it was Replyed by the ſaid Sir Patrick Home and Mr James Leslie that ſome of the papers contained in the ſaid recept

are truely those now quarrelled and the lybell besides the particular Writs hath a clause, and others, The inspection whereof is absolutely necessary before answers can be made And albeit the Creditors were cited yet the diets of the proceſs being ſo uncertain did not think themselves concerned to answer unleſs they had been again certiorat WHICH Lybell and debate abovewritten being on the ſaid twenty ninth of September I^m vj^c and ninety considered by the foreſaid Commiſsion of Parliament they then appointed Sir James Cockburn to give his oath of calumnie upon the lybell And to the effect he might appear before them Recommended him to the Privy Councill to get personall protection AFTERWARDS on the first of October I^m vj^c and ninety the foresaid Claime being again called The said Sir James Steuart insiſted that the depoſitions of Baillie Fyfe Linplum and others to be condeſcended on might be taken before answer on the points of the Lybell As alſo that Sir James Cockburne might be appointed to exhibit the bonds and aſsignations To which it was answered by the ſaid Mr James Leslie That upon the Complainers consent the Defender was appointed to give his oath of calumnie upon the lybell and Recommended to the Councill to get a protection for that effect And therefore there can be no Examination of other persons till he first depone as also till opinion be given anent the Relevancie And the ſaid Mr James Leslie Declared that he was not informed And that untill the defender came to Toun he could not answer and craved that he might be marked absent Whereunto it was then replyed by the ſaid Sir James Steuart that he paſsed frae the oath of calumnie pro loco et tempore Upon which debate the ſaid Commiſsion by their other Interloquitor dated the ſaid first of October aſsigned the third of November then next to the abovementioned persons to depone upon the lybell and granted diligence to the ſaid Complainer against them for that effect THEREAFTER on the twenty eight of November I^m vj^c and ninety The ſaid Claim being again called the above named Sir James Steuart resumed the ſame and the two Miſsive Letters abovementioned be the deceased Moristoun Which were read to diſcover the Contriveance and repeated the foresaid other adminicles in proceſs Whereunto it was answered by the ſaid Mr James Lesly That the backbond produced doth meet the case of the aſsignations questioned And as to the miſsive Letters produced being by Moristoun the party, cannot prove And as to the diſcharge granted to Glencorse it was by the advice of Mersingtoun that a diſcharge instead of an aſsignation was given to Glencorse being the ſame in Law being payed by a Tutor for his pupill And the reason of the taciturnity was because Cockburn had never ſeen the backbond whereby he was better informed of his right And Cockburn did intent proceſs before the Lords of Seſsion upon the aſsignations quarrelled To which it was Replyed by the ſaid Sir James Steuart that the contriveance is ſo deep that it is not to be discovered by the ordinary methods of Law and therefore presumptions must be founded on and Witneſses examined And tho the miſsive Letters would not be probative if Moriſtoun who wrote them were the pursuer yet he being dead ſhortly after the writeing of them and long before Cockburn did inſist upon these pretences the Letters ought now to be respected Whereunto it was Duplyed by the ſaid Sir Patrick Home that the nature of the action being civil, a declarator of trust, the Commiſsion of Parliament doth not proceed in a Legislative but in a Judicative capacity and ſo must follow the methods of Law which, it's acknowledged are not ſufficient to Evince a trust And as to the takeing of a diſcharge it doth neither extinguiſh that debt as to Moriſtoun but that Cockburn as negotiorum gestor might have action against Moristoun far leſs to inferr a presumption as to other ſums And the takeing of a backbond produced doth ſhew that if there had been a trust in this case he would have also cleared it by a backbond and the miſsive Letters are not written to Cockburn And if there had been ſuch a trust Moristoun by advice of Mersingtoun would never have rested ſatisfied ſo long time without obtaining a declaration or complaining or insisting to get the ſame And Cockburn being a person of great affairs and credit his not ſeeking theſe ſums or annualrents thereof is no qualification of trust unleſs the ſame were proven ſcripto vel juramento Which Debate abovewritten being considered by the ſaid Commiſsion of Parliament they by their Interloquitor thereon dated the ſaid twenty eight day of November I^m vj^c and ninety before answer ordained the depositions of the witneſses to be taken upon the lybell and claime by Sir Robert Sinclair Commiſsar Smollet and Mr Robert Clelland three of their number or any two of them and ordained Sir James Cockburn to Exhibite the bonds and aſsignations mentioned in the claim As also to Exhibit upon oath his Count books for clearing of the ſaid matter CONFORM to which Interloq^r the persons afternamed being cited as witneſses in the foresaid action and cause by vertue of Letters of diligence granted by the foresaid Interloquitor of the date the first of October I^m vj^c and ninety And there being Letters of second diligence granted thereupon against them on the ſeventeenth day of November I^m vj^c and ninety They accordingly did compear on the respective days afterſpecified before the Committie foresaid appointed by the ſaid laſt Interloquitor of the date the twenty eight of November I^m vj^c and ninety for takeing their oaths and depositions And there Deponed in the ſaid matter as is aftermentioned viz. On the fourth of December I^m vj^c and ninety Alexander Bothwell of Glencorſs compearing as a

Witneſs before the ſaid Sir Robert Sinclair and Commiſsar Smollet It was objected against him that he was suspectæ famæ there being a proceſs of improbation of a diſcharge depending against him at the instance of Woodhouslie Whereto it being answered that it ought to be repelled because no decreet produced and any ſuch proceſs denyed to be depending Thereupon the objection was repelled And the ſaid Alexander Bothwell married aged fifty four years being purged of partial Council sworn examined and interrogat Deponed that the money that was borrowed by Moristoun from him was payed to Baillie Gilbert Fyfe and that the Baillie received the money on the account of his wife Stevenson's tocher as the deponent was informed the time of the borrowing of the money and that the deponent did thereafter aſsigne his bond to Mortounhall who was a Cautioner for Moriſtoun to him And that he knows of no concern Sir James Cockburn had in that matter at the time of the borrowing of the money But the deponent heard thereafter and Mortounhall told him that Sir James Cockburn was to retire frae him that bond as being a part of the price of the Lands of Crumstane and to relieve Moristoun thereof and that that was the truth as he ſhould answer to God, Causa ſcientiæ patet Thereafter compeared on the Sixth of December I^m^ vj^c^ and ninety before the ſaid Commiſsar Smollet and Mr Robert Clelland two of the foresaid Committee Gilbert Fyfe Merchant and late Baillie of Edinburgh aged paſt fourty five years solutus and being purged of partial Council sworn and examined on Interrogators given by Moristoun viz. First If the deceased Moristoun did make payment to him of the part he had of Stevensons money and what he knew of that payment Secondly at whose desire and to whom he gave the two aſsignations to his part of Stevensons money And if they were not given blank in the name and if they were not delivered blank to Moristoun or ſome one or other for him, Thirdly What he knew of the payments were made to Robert Scot and Mr James Roſs for their two wives who were also Stevensons daughters, Fourthly Whither he received five thousand merks from Glencorſs and by whose order and on whose account and if it was not on Moristouns and what part of it He Deponed that he received from the deceased Moristoun and Mr Alexander Spotiswood of Crumstane the ſum of five thousand three hundred thirty four merks as being the half of his proportion of Stevensons money and that he received also the ſecond moitie from the ſaid persons Deponed as to the ſecond Interrogator That he remembers he gave an aſsignation blank in the name to the deceased Moriſtoun for five thousand merks of Stevensons money That he gave another aſsignation of a second moitie also blank either to Moristoun or Mr Alexander Spotiswood, but does not remember to which of them, As to the third Deponed Ignorat, As to the fourth Interrogator Deponed that Glencorſs was present when he received the first five thousand merks and that he heard in the Company that the ſaid ſum was borrowed from Glencorſs and that Moristoun and Spotiswood gave bond for the money and that he heard them say that the money was gotten from Glencorſs and that Mortounhall brother in Law to Glencorſs was also present Causa scientiæ patet And that this was the truth as he ſhould answer to God, And on the ſaid day Compeared before the ſaid Commiſsar Smollet and Mr Robert Clelland, William Hay Merchant in Edinburgh aged about thirty nine years married who being ſolemnly sworn purged of partial Councill interrogat and examined on the interrogators given in by Moristoun for that end viz. First If he knew any thing of the account keept by Sir James Cockburn of the price and payment of Crumstane and to whom and how Sir James payed it And if Sir James keept any written accounts in books or apart touching the ſame Secondly If he knew who payed the Stevensons money And if Sir James Cockburn payed for the Aſsignations the Stevensons gave and are now in Sir James's name and if these aſsignations were not first blank in the name and if they were not given to him by Moristoun And if Sir James payed for them Thirdly What he knew of the payment of Glencorsses bond and of Walter Riddells, Corsar the Periwig makers and Lintplums &c. When they gave the blank aſsignations that Sir James now produces and how it came that Sir James payed that money and on what account And if he kept any account of those payments And if Sir James did not get the foresaid diſcharge and aſsignations from the foresaid persons for Moristoun's behoove And if he knew wherefore Sir James medled with these bonds ſince he was bound in none of them Fourthly If Sir James keept any account books in forme about the time that he bought Crumstane And if these books did not contain a particular account of Caſh And if he knew where they were And what became of them He Deponed as to the first Interrogator Ignorat As to the ſecond alſo Deponed Ignorat As to the third alſo deponed Ignorat As to the fourth Deponed he could not be positive about what time Crumstaine was bought by Sir James Cockburn but that the deponent began to keep Sir James's Caſh books the beginning of June I^m^ vj^c^ and ſeventy three Which books did contain a particular account of the caſh that was received in by the deponent on the account of Sir James and payed out by his order and to whom Which books he left in the custody of Sir James when he removed from his ſervice which was in the year I^m^ vj^c^ and eighty one And for what he knew these books ſtill continued in the custody of the ſaid Sir James Causa scientiæ patet and that this was the truth as he ſhould answer to God as the depositions of the

ſaid Witneſses extant in proceſs bear THEREAFTER the ſaid Commiſsion by their Interloquitor dated the Sixteenth day of February I^m vj^c^ and ninety one years in regaird that Sir James Cockburn being oft times called to produce the bonds Aſsignations and Compt books and he failzied therein Therefore They Granted Certification and Circumduced the term against the ſaid Sir James Cockburn and Declared They would advise the cause on the adminicles adduced on Wednesday then next And ordained both parties to give in their informations AND afterwards on the ſecond of March I^m vj^c^ and ninety one They by another Interloquitor Remitted to Sir William Hamilton and Mr James Smollet abovenamed two of their number to consider the libell depositions and other adminicles adduced for the pursuar to prepare a report in the matter above written and to report the ſame to the Commiſsion against Munday then next AND the ſaid Commiſsion after that on the ninth day of the ſaid moneth of March I^m vj^c^ and ninety one years Upon adviseing the cause Prepared and gave their report in this whole matter Bearing That they haveing considered the foresaid Complaint pursued by John Ker of Moristoun against Sir James Cockburn of that Ilk and heard both parties pro^rs^ upon the presumptions and qualifications of trust therein libelled and haveing likewayes considered the depositions of witneſses taken by them for clearing the trust and two miſsive Letters written by the deceased Moristoun to my Lord Mersingtoun With Sir James's taciturnity for Sixteen years in not craveing compensation of the debts due by him to Moristoun all that time upon the bonds and aſsignations quarrelled And Considering Sir James's contumacie in not produceing the bonds and aſsignations called for with his count books for clearing of the trust conform to the ordinance of the ſaid Commiſsion whereupon the terme was circumduced against him It was their opinion that the bonds and aſsignations called for were retired by the ſaid Sir James as trustee for Moristoun and to Moristoun's behoove And that Sir James can neither affect Moristoun's eſtate with the ſaid bonds and aſsignations nor crave compensation thereupon of the debts due by him to Moristoun But that the ſaid bonds and aſsignations called for ought to be Declared void and null as being retired by Sir James for Moriſtouns behoove as the ſaid Report fully contains AFTER which there being a Petition Given in and presented in May I^m vj^c^ and ninety three for Andrew Ker now of Moristoun and his Tutors for their interest to their Majesties then high Commiſsioner and the right honourable the Estates of Parliament Humbly Shewing unto them That where his deceased father Intented a proceſs of Reduction and Declarator before the honourable Court of Parliament against Sir James Cockburn of that Ilk for makeing void certain bonds and aſsignations which the ſaid Sir James payed with the petitioners grandfathers money and took blank aſsignations now filled up in his own name Which complaint and proceſs was Referred to the Commiſsion for fines and forefaultures and by them brought to a report And seeing that the ſaid matter was then ready to be reported and that it was of a great import to the petitioner the ſums now Craved being run up to a great debt and burden Whereof without the aſsistance of the ſd honourable Court of Parliament the petitioner cannot hope to be relieved Therefore humbly Craveing His Grace and the then Estates of Parliament to Call for and advise the ſaid report and decide and determine in the ſaid cause and for the petitioners damnages and expences according to Justice as the ſaid petition bears With which petition there being then produced for the ſaid Andrew Ker the petitioner an account alleadged written by the ſaid Sir James Cockburn of money due by Crumstane to Moristoun consisting of the articles following viz. For bygone annualrent of Thirty three thousand two hundred merks resting to Whitsunday I^m vj^c^ ſeventy three one per Cent. being deduced Four thousand one hundred and twelve pounds, For Mr James Roſs as first moitie, Three thousand eight hundred thirty three pounds ſix ſhilling eight pennies, To annualrent thereof to Whitsunday I^m vj^c^ and ſeventy three ſince Candlemaſs I^m vj^c^ and ſixty ſeven, One thousand four hundred and twenty pounds sixteen ſhillings, To Gilbert Fyfe Candlemaſs I^m vj^c^ and ſeventy as the remainder of one of his moities ſeven hundred and sixty four merks five hundred and nine pounds ſix ſhilling eight pennies By interest thereof to Whitsunday I^m vj^c^ and ſeventy three ninety ſix pounds sixteen ſhilling, February I^m vj^c^ and ſeventy two By principal ſum to Robert Scot the ſum of one thousand one hundred and fifty one merks, Seven hundred and sixty ſeven pounds, By interest ſince Candlemaſs I^m vj^c^ and ſeventy two, fourty two pounds six ſhilling and eight pennies Also payed John Walker extending in haill to Ten thousand eight hundred and fourty nine pounds four ſhilling, this beside the money payed by Cockburn to Lintplum and Robert Scot And of some other ſums whereof Crumstaine was to relieve Moristoun and Cockburn consisting of thir articles viz. By bond to Glencorſe Three thousand three hundred thirty three pounds six ſhilling eight pennies, By bond to Walter Riddell Two thousand pounds, By

Periwigmaker One thousand pounds, By bond to Commiſsarie One thousand three hundred thirty three pounds six ſhilling eight pennies, By a moitie of Mr James Roſs Three thousand eight hundred thirty three pound six ſhilling eight pennies Extending in all to Eleven thousand five hundred and one pounds four ſhilling At the end of which

account there is written a Memento That Moriſtoun ſhould be alſo discharged of the haill bonds and annualrents preceeding the date of the aſsignations granted by Mr James Roſs Gilbert Fyfe and Robert Scot THEIR Majesties ſaid Commiſsioner and the then Eſtates of Parliament haveing on the fourth of the ſaid moneth of May Im vjc- and ninety three years Heard and Considered the ſaid petition they Ordained Sir James Cockburn and his advocats to ſee and answer the ſaid petition and to be in readineſs on friday then come eight dayes being the twelvth of the ſaid moneth of May With Certification if they failgied That they would proceed at the ſaid dyet LIKEAS there being at the ſame time a petition given in and presented to the said Commiſsioner and the foresaid Estates of Parliament by Sir James Cockburn of that Ilk humbly Shewing unto them that where the petitioner haveing acquired aſsignations to several bonds due by the late Laird of Moristoun and Crumstane for adequat onerous causes and haveing transferred rights thereof to ſeveral of his Creditors the last deceased Moristoun did quarrell the aſsignations alleadgeing that the petitioner was only Trustee for his father and that the ſums ought to have been payed by the Petitioner himſelfe Against which proceſs the petitioner proponed ſeveral most relevant Exceptions in Law But the honourable Committee for fines and forefaultures were pleased to receive depositions of witneſses for proveing the trust and also to ordain the petitioner to produce the bonds and aſsignations together with his Count books And for not doing of which the term was circumduced against the petitioner as to which the petitioner did humbly represent First That no report of the Committie can be brought in to Parliament till the bonds aſsignations and the petitioners Count books be Considered and his defences in Law heard for it was no Contumacie in the petitioner not to produce the ſame before The bonds not being in the petitioners custody but in Creditors hands and the petitioner being under a great many captions and other diligence So that he had not ſafe acceſs to attend the Committee And haveing petitioned the Committee for a protection their Lordſhips were pleased to refuse the ſame becauſe the Parliament was not then ſitting And seeing the petitioner had unanswerable grounds in Law and clear documents to elide Moristouns pursute And that the pursuer being dead and a long time interveening He Therefore humbly Craved His Grace and the most Noble Lords and other honourable Members of Parliament not to receive the report of the Committee but to Remit the Consideration of the proceſs to a further Examination and to grant a protection to the petitioner that he may in ſafety attend the honourable Committee before whom he ſhould produce bonds aſsignations Count books and other documents which would ſufficiently elide the proceſs at Moristoun's instance as the ſaid petition bears; THE ſaid high Commiſsioner and the Estates of Parliament for the time haveing on the ſaid fourth of May Im vjc- and ninety three heard and considered the ſaid petition They by their Interloquitor of that date Discharged all meſsengers and other officers to use any personal Execution by Caption Acts of warding or otherwayes against the petitioner untill the twentieth day of May then instant inclusive That he might in ſafety attend and produce the abovementioned bonds aſsignations and others abovewritten he intends to make use of for elideing Moristouns proceſs against him and that in the Clerks hands that Moristouns Advocats might have inspection thereof Which Interloquitors upon the two last mentioned petitions were duely intimat at the dwelling house of the ſaid Sir James Cockburne by David Denholme writer in Edinburgh Agent and Procurator for the ſaid Andrew Ker of Moristoun and his Tutors who there alſo caused ſhew and read the foresaid account of the tenor abovementioned produced for Moristoun and left a copy thereof with the ſaid Sir James's daughter as an Instrument taken thereupon under the hand of Mungo Buchannan notar publict dated the twenty ſeventh day of the ſaid moneth of May Im vjc- and ninety three years fully bears THEREAFTER on the thirtieth day of the ſaid moneth of May Im vjc- and ninety three the ſaid high Commiſsioner and the ſaid Estates of Parliament in respect that the foresaid case betwixt the Laird of Moriſtoun and Sir James Cockburn was not then taken to their consideration did by their other Interloquitor of that date Continue the foresaid personall protection granted to Sir James on the fourth of the ſaid moneth of May to the fifeteenth of June then next inclusive AND there being no furder procedure in the ſaid matter made untill November Im vijc- years there was then a petition given in to His Majesties high Commiſsioner and the right honourable Estates of Parliament for the time for the ſaid Sir James Cockburn of that Ilk and his Creditors Humbly ſhewing That the petitioner haveing been cited to Compear before the first Seſsion of that present Parliament at the instance of the deceased John Ker of Moristoun to hear certain bonds granted by the deceased Mark Ker his father and to which the petitioner for onerous causes had acquired right, reduced and extinguiſhed; The ſaid John Ker did obtain the matter to be Remitted to the Committie of fines and forefaultures And takeing then advantage of the Petitioners circumstances who was under the apprehension of many personal Diligences at the instance of the Laird of Langtouns Creditors to whom he also stood bound and could not for this reason Compear to defend himſelfe did insist before the ſaid Committee with the outmost application But as ſoon as the petitioner was in ſafetie to Compear and make his defence

by the production of his Writs the matter was appointed to be heard in full Parliament And ſince the ſecond Seſsion of that ſaid Parliament the heirs of the ſaid John Ker had not thought fit to insist Wherefore seeing there are just and considerable debts due to the petitioner by vertue of these bonds upon which no other Judicatory in the Kingdom could ſustain proceſs because of the dependence before the Parliament and that the pursuers had never insisted in this proceſs dureing the many Seſsions of Parliament that had been ſince it was first intented, that the Committee to whom it was Remitted was then long ago extinct and that it was reasonable a pursute in Law ſhould ſometime have an end and lastly that the case is purely civil and proper to be decided by the Judge ordinary in the first instance the Remedy of Appeal to the Parliament being still competent to either party as they ſhould find themselves lesed That Therefore it would please his Grace and the said right honourable Estates of Parliament to Remit the tryal and decision of the foresaid proceſs depending before the Parliament to the Lords of Councill and Seſsion WHICH petition the ſaid High Commiſsioner and Estates haveing on the twentieth of November I^{m} and vij^{ty} considered They ordained the heirs of the ſaid deceaſsed John Ker of Moriſtoun and their Tutors and Curators to see and answer the ſame the then next dyet of Parliament Conforme to which Interloquitor there were Answers by way of petition then presented for the ſaid Andrew Ker of Moriſtoun and his Tutors humbly Shewing unto the ſaid high Commiſsioner and the ſaid Estates of Parliament That the deceased Mr Mark Ker of Moristoun the petitioners grandfather haveing the two first and preferable rights on the Lands of Crumstane viz. A wadset for thirty three thousand and two hundred merks and an infeftment of relief for Twenty eight thousand five hundred and ſeventy nine merks wherein Moriſtoun was bound Cautioner for Mr Alexander Spotiswood of Crumstane Sir James Cockburn haveing an earneſt deſire for thir Lands as lying contigue with his Barony of Dunce he buyes in Moriſtouns two rights in anno I^{m} vj^{ty} and ſeventy three And for the principal ſum in the wadset he and Langtoun Grants an heretable bond to Moriſtoun and for the bygone annualrents resting of the wadset and for ſuch ſums as Moristoun himselfe had actually out of his own Cash payed in part of the ſums contained in the infeftment of relief Sir James Cockburn at the ſame time grants bond to Moristoun; But as to the ſums Moriſtoun had borrowed to clear and pay off the debts in the heretable bond of relief and to make his infeftment of relief effectual Moristoun had that intire Confidence in Sir James Cockburn that he by an exuberant trust fills in Sir James Cockburns name in the Aſsignations he had taken from the Creditors in the infeftment of relief and leaves it on Sir James Cockburn to pay the money he had borrowed to ſatisfie the Creditors in the ſaid Infeftment of relief and retire him the bonds which Sir James undertook to do and accordingly payed a part of the bonds and took diſcharges but as to the rest he moſt unjustly after Moriſtouns death took aſsignations, Mr Mark Ker dying ſoon after his bargaining with Sir James Cockburn he had ſtill that confidence in Sir James that he makes him one of the Tutors to his Children sine quo non and all the while he was Tutor and Curator to Moristouns children he never once pretended that there were any ſuch debts due by Moristoun to him notwithstanding that Cockburn himselfe was continually paying annualrents to Moriſtouns children and their factor for very considerable ſums all the time and no rational man would think that Sir James Cockburn would have payed annualrents for ſums when he had debts due to him that would have compensed them Likeas dureing all the time Sir James Cockburns credit was intire there was never any word of thir pretended debts but ſo ſoon as he was broken his ſtraits prevailed with him to make over the ſaid debts and aſsignations to ſome of his Creditors against Moriſtoun Which being a great ſurprise to Moriſtoun and all his friends and Sir James haveing endeavoured to deprive them of the benefite of his oath by makeing over his right of the ſaid debts to his Creditors and Moriſtoun haveing only an unsubscribed account under Sir James's hand with the foresaid other arguments to make out the trust Moriſtoun was neceſsitat to apply to the Parliament I^{m} vj^{ty} and ninety for an extraordinary remedy in such an extraordinary and ſurpriſeing case; Whereupon, it pleased the Parliament to referr the matter to the Committie of fines and forfeitures Who after hearing of both parties in their preſence and examining ſeveral Witneſses brought the matter to a clear report which was alſo laid before the honourable Court of Parliament; Likeas when Moriſtoun afterwards gave in a petition to have the ſame advised Sir James by way of counter petition gave in long answers thereto ſo that the matter was fully prepared for the Parliaments adviseing and deciding therein But Moriſtoun comeing to dye and leaving his ſon the petitioner an infant under age the matter had lyen over the Tutors judgeing rightly that it was plainly brought to ſuch a state that their pupil could have no detriment by the delay But Sir James thinking to turn this to his own advantage did then petition His Grace and their Lordſhips that this matter might be remitted to the Lords of Seſsion as an extraordinary Declarator of trust and pretending also that the foresaid Committee was extinct and all matters Remitted thereto by a late act of Parliament Remitted to the Lords of Seſsion To which it was answered That his Grace and Lordſhips might perceive that this was no ordinary Decla-

rator of trust But rather ſuch a ſingular and extraordinary case as did very well deſerve a parliamentary remedy But Secondly The matter being brought to a ſubscribed report and laid before the ſaid honourable Court It was no longer a case depending before the ſaid Committee but is most evidently a case lying ready prepared for the Parliaments determination So that to Crave it to be Remitted to the Lords of Seſsion as a depending matter before that Committie when it plainly lay as a prepared report before the Parliament itselfe was wholly groundleſs and without any precedent But because Sir James alleadged that he ſuffered by the delay and that a pursute of that kind ſhould ſometimes have an end Moriſtoun did fully close with him And therefore humbly Crave His Grace and their Lordſhips to call for the ſaid report and to proceed to decide and determine in the ſaid matter which was ſo fully prepared for his Grace and their Lordſhips final Judgement It being evident that Sir James only ſhifted the adviseing of the ſaid report and craved a remit to the Lords of Seſsion that he might evite the tryal already taken and opinion given by the Committee and involve the petitioner in new proceſs and difficulties againſt all form and reaſon AND the ſaid petition and answers being on the twenty third day of December I^m^ vij^c^ Considered by the ſaid high Commiſsioner and the ſaid Estates for the time They by their Interloquitor of that date Declared they would hear the case betwixt the ſaid Laird of Moristoun and Sir James Cockburn Sir William Paterson and the other Creditors of the ſaid Sir James and appoint a diet for that effect when they ſhould come to consider privat affairs After which time untill June laſt the ſaid affair haveing lyen over there was a petition to her Majesties high Commiſsioner and the Estates of Parliament then given in by the ſaid Andrew Ker of Moristoun with consent of his Curators humbly Shewing that where it is not unknown to many of the Members of the honourable Court of Parliament how long the petitioner has depended before them for diſcuſsing of a declarator of trust at his inſtance against Sir James Cockburn of that Ilk and what advance hath been made therein ſo that in effect it lyes only at the adviſeing of a report of the Committee of Parliament who fully heard and prepared the matter And yet now after more then twelve years time the petitioner has not been able to bring it to any deciſion Which being premised for obtaining his Grace and their Lordſhips ſerious consideration to bring this matter to a finall conclusion The ſhort and plain account then of the matter is that the deceased Mr Mark Ker of Moriſtoun the petitioners grandfather haveing the two first and preferable rights on the lands of Crumstaine viz. A Wadſet for thirty three thousand two hundred merks and an infeftment of relief for twenty eight thousand five hundred and ſeventy nine merks wherein his ſaid grandfather was bound Cautioner for Mr Alexander Spotiswood of Crumstaine And Sir James Cockburn haveing a mind for thir lands as lying contigue with his Barony of Dunſs Sir James buyes the petitioners grandfathers two rights in April I^m^ vj^c^ and ſeventy three And for the principal ſum in the first Wadset he and Langtoun grants an heretable bond (which is not now in queſtion) and for the bygone annualrents reſting of the ſaid wadset and ſuch ſums as the petitioners grandfather had actually payed out of his own cash in part of the ſums contained in his infeftment of relief Sir James Cockburn at the ſame time grants his bond But as to the ſums the petitioners grandfather had borrowed to clear and pay off the rest of the debts contained in the heretable bond and infeftment of relief so as the ſame might be made effectual to Sir James (to whom the petitioners grandfather had made his right over) he had that intire confidence in Sir James That by an exuberant trust he fills up Sir James's name in the blank Aſsignations he had taken from the Creditors in his Infeftment of relief and leaves it on Sir James to pay the money that he had borrowed to ſatisfie these Creditors and to retire him his bonds which Sir James undertook to do and accordingly payed a part of the bonds and took diſcharges; But as to the reſt he after the petitioners Grandfathers deceaſe did very unjustly take aſsignations and the petitioners Grandfather dying very ſhortly after the bargain he according to the intire confidence he then had in Sir James makes him one of the Tutors ſine quibus non to the Children And all the while Sir James was tutor and curator to the children he never once pretended that there was any ſuch debts due to him by the Petitioners Grandfather notwithstanding that Sir James himselfe was continually paying annualrents for considerable ſums that he was due to him Which annualrents no rational man can think that Sir James could have payed when he had debts as now he pretends due to himselfe that would have compensed them And furder dureing all the time Sir James's credit was intire (which was for fifeteen years thereafter) there was never a word of thir pretended debts But Sir James comeing to faill in his credit his ſtraits moved him to make over the foreſaid debts and aſsignations to ſome of his Creditors which was a great ſurprise to the petitioners father and friends and ſo much the more that Sir James by makeing over these debts to his Creditors had endeavoured to deprive the petitioners father of the benefite of his oath But the caſe being very extraordinary and there being only an unſubſcribed account under Sir James's hand with ſuch arguments as might arise from the case of his trust; the petitioners father was neceſsitat to apply to the Parliament I^m^ vj^c^ and ninety Who considering the extraordinary merit of the cause were

pleased to referr the matter to the Committee for fines and forfeitures And before this Committee parties were often and fully heard and several Witneſses examined and the whole affair brought to a clear report in the terms following viz. "Edinburgh March 9, 1691, The Commiſsion for fines and forfeitures haveing considered the Complaint pursued by John Ker of Moristoun against Sir James Cockburn of that Ilk and heard both parties pro^rs upon the preſumptions and qualifications of trust therein lybelled and haveing likewayes Considered the depoſitions of Witneſses taken by them for clearing the truſt and the two miſsive Letters written by the deceased Moriſtoun to my Lord Mersingtoun with Sir James's taciturnity for sixteen years in not craveing Compensation of the debts due by him to Moriſtoun all that time upon the bonds and aſsignations quarrelled And considering Sir James his contumacie in not produceing the bonds and aſsignations called for with his count books for clearing of the trust conforme to the Ordinance of the ſaid Commiſsion whereupon the term is Circumduced against him It is their opinion that the bonds and aſsignations called for were retired by the ſaid Sir James as Trustee for Moriſtoun and to Moriſtoun's behoove and that Sir James can neither affect Moristoun's eſtate with the ſaid bonds and aſsignations nor crave compensation thereupon of the debts due by him to Moristoun But that the ſaid bonds and aſsignations called for ought to be declared void and null as being retired by Sir James for Moristouns behove Sic ſubscribitur Crauford P." Likeas this Report was laid before the Parliament by a petition from the petitioner's father to which Sir James gave in long answers so that the matter was ready for the Parliaments adviseing and final decision But the petitioners father comeing to die and leaveing him an infant under age the matter was laid aside by his Tutors as judgeing rightly that he could have no detriment by the delay But Sir James laying hold on this ſeeming advantadge did move by a bill for a furder hearing but without any ſucceſs By all which his Grace and their Lordſhips may plainly perceive how this whole affair is prepared & fully ripe for the Parliaments deciſion And that the only point that remains is to advise the foresaid report And ſeeing upon an intimation to both parties their Informations for his Grace and their Lordſhips may easily be given in which will bring the whole cause before his Grace and their Lordſhips so that there needs neither further debate nor evidence nor probation to be taken therein And that all that is needfull is to advise the ſaid report with the informations Therefore humbly craveing his Grace and their Lordſhips to appoint a day for takeing in and adviſeing the ſaid report with the informations that ſhall be offered hinc inde and to cause intimat the ſame that both parties may be in readineſs and a matter of this Importance ſo long depending may be brought to a final iſsue according to Juſtice as the ſaid petition bears WHICH petition being on the ninth day of the ſaid moneth of June laſt read in preſence of and considered by her Majesties high Commiſsioner and the Eſtates of Parliament They by their Interloquitor of that date granted warrand to Maſsers to Cite the ſaid Sir James Cockburn by giveing a full copy of the ſaid petition and report abovementioned therein related that he might be ready to answer the first Sederunt of Parliament on the then next week By vertue of which Interloquitor and Warrand therein contained the ſaid Sir James Cockburn was ſo cited or ſummoned being perſonally apprehended by Charles Maitland one of the ordinary Maſsers before the Seſsion and Parliament upon the tenth of the ſaid moneth of June as is fully mentioned in execution of the foresaid Warrant extant in proceſs AND thereafter on a petition to her Majesties high Commiſsioner and the Eſtates of Parliament given in by the ſaid Andrew Ker of Moriſtoun and his Curators humbly Shewing That in the action at the petitioners instance against Sir James Cockburn of that Ilk which had ſo long depended before his Grace and honourable Eſtates of Parliament His Grace and their Lordſhips had now declared That they will hear both parties pro^rs thereupon and adviſe the report made by the Committee therein the firſt Sederunt of Parliament of the then next week And seeing the petitioners Lawyers viz. Sir James Steuart her Majesties Advocat Sir Gilbert Elliot of Headſhaw and Sir David Cunninghame Advocats are all members of Parliament and cannot plead for the petitioner in this action without his Grace and their Lordſhips ſpecial allowance and liberty Therefore humbly craveing his Grace and their Lordſhips to appoint and allow the ſaid Sir James Steuart her Majesties Advocat Sir Gilbert Elliot and Sir David Cunninghame Advocats to plead for the petitioner in the foresaid action according to juſtice The ſaid high Commiſsioner and the Eſtates by an Interloquitor dated the eleventh day of the ſaid moneth of June laſt bypaſt Appointed and Allowed her Majesties Advocat Sir Gilbert Elliot and Sir David Cunninghame to plead for the petitioner in the above written action And after that on the ſeventeenth of the ſaid moneth of June Her Majesties high Commiſsioner and the Eſtates of Parliament by another Interloquitor appointed the petitioners case to be considered the firſt ſitting of Parliament for privat affairs Afterwards upon another petition to her Majesties high Commiſsioner and the ſaid Estates for the ſaid Andrew Ker with consent of his Curators humbly Shewing that his Grace and their Lordſhips (upon a former petition given in by him in June laſt) were pleased to declare That they would allow the report made by the Commission for fines and forfeitures (in the proceſs at the

petitioners inſtance againſt Sir James Cockburn) to be brought in and advised the first of all privat buſineſs And ſeeing his proceſs has long depended and is ready to be advised Therefore craveing his Grace and the honourable Eſtates to appoint a day for adviſeing the ſaid report and appoint intimation to be made thereof to both parties as the ſaid petition bears; THE ſaid Commiſsioner and Eſtates foreſaid by their Interloquitor dated the thirtieth of Auguſt laſt Appointed the above report to be first read the first Sederunt of the week then next at which time privat buſineſs was ordered to be proceeded in And on the ſaid Sederunt which was the ſixth of September inſtant The Parliament haveing Resolved that the next day thereafter they ſhould meet ſhould be intirely bestowed in diſcuſsing privat caſes The said action and cause was accordingly upon the day and date of thir preſents called in the uſual forme by an Maſser at the gate of the Parliament house And the ſaid pursuer Compearing by the ſaid Sir James Steuart her Majesties Advocat and Sir Gilbert Elliot (by vertue of the allowance abovewritten granted to them) and by Sir Walter Pringle Advocats his pro^rs who haveing for him formerly produced in preſence of her Majesties high Commiſsioner and the ſaid Estates the foresaid account of money due by Crumstaine to Moristoun extending as ſaid is to Ten thousand eight hundred and fourty nine pounds four ſhilling and of the other ſums abovementioned whereof Crumstain was obliged to relieve Moriſtoun and Cockburn extending as above to Eleven thouſand five hundred and one pounds four ſhilling Together with a mandat granted by Andrew Ker of Moristoun with consent of his Curators thereto ſubscribing to George Swintoun writer in Edinburgh giveing him power and Commiſsion to deliver to Sir Archbald Cockburn of Langtoun and Sir James Cockburn of that Ilk the bonds which are set down above the ſaid mandat Amongst which is a bond by the ſaid Sir James Cockburn for Ten thousand eight hundred and fifty pounds Together also with another Account betwixt the ſaid Sir James Cockburn and Moristoun bearing that there was reſting at Martinmaſs I^m vj^c and eighty ſeven by the ſaid Sir James to Moriſtoun the ſum of three thousand three hundred and twenty pounds ten ſhillings and six pennies which tuo accounts abovewritten are both unsubscribed They the ſaid pro^rs for the pursuer at calling of this action upon this day in manner foresaid Resumed the proceſs That by remitt of Parliament it was brought before the Commiſsion for fines and forefeitures and that after calling ſeveral times and hearing the cause and that the defender had declined upon oath to exhibite his Count books for clearing the trust and ſeveral witneſses examined thereanent the Commiſsion ſigned a report to the Parliament giveing opinion That the aſsignations to the bonds were taken by Cockburn the defender to the use and behoove of Moriſtoun and could not be made use of againſt the pursuer either for compenseing the debts due to him or to affect his Eſtate and Craved that the report probation and grounds whereupon it is founded might be advised And the ſaid Defender then compearing by Mr Thomas Kennedy Advocat his procurator It was represented by him for the ſaid defender That the Warrand to cite him before the Commiſsion of Parliament anno I^m vj^c and ninety was in absence the Defender not being allowed to ſee or answer it That by vertue of legall diligence againſt him at the inſtance of the Creditors of Langtoun and his own he could not appear at that time before the Commiſsion of Parliament and that any appearance made in his behalf was for a protection that he might appear and defend his right and procurators craveing delay that they might be instruct to plead and ſo the report hath proceeded in absence of the Defender and on ſuppoſition of contumacy that he would not when he could not appear and that he would not produce bonds and aſsignations when he had them not they being given up by him to Sir William Paterſon and his other Creditors And therefore the matter is yet intire to him to propone his defences as if no report had been made which he now doth That the matter being civil and which did depend before the Seſsion it can not be brought in the firſt inſtance before her Majesties high Commiſsioner and the honourable Eſtates of Parliament as contrary to the Acts of Parliament Act fourty fourth, Parliament ſecond, King James the firſt and twenty fifth Act, Parliament sixth, James third, and ſixty ſecond Act, Parliam^t eight, James third, Ordering all civil actions to be decided in the first inſtance be the Judge ordinary WHICH debate abovewritten her Majesties high Commiſsioner and the Eſtates of Parliament foresaid haveing this day heard and considered They have Remitted and do hereby Remitt the caſe in ſtatu quo to the Lords of Seſsion to be diſcuſsed by them ſummarly without abideing the course of the Roll.

[Earl of Home ag^t Sir Patrick Home]

THE Action at the inſtance of the Earl of Home against Sir Patrick Home for insisting upon his protestation for remed of Law against the Earl, called, and the Advoc s for either party ordained to be ready and insiſt their ſeveral actions the next diet of Parliam for privat buſineſs; After which the vote was d Whither the Parliament ſhould at their next ting proceed upon publict or privat buſineſs, an arried they ſhould proceed upon publict buſineſ

THE Lord Ch lor by order of her Majesties high Comm ner Adjourned the Parliament till Thurs next at ten a clock.

SEPTEMBER IX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Order of procedure] THE draught of an Act containing certain limitations on the ſucceſsor of the Crown of this Kingdom failzieing heirs of her Majesties body offered But before reading it was moved That the Parliament might proceed to finiſh the Act relateing to the exporting Engliſh and Iriſh wool and not lay that aside to begin the consideration of new overtures.

Order, & Declaration anent the Union with England MOVED that the proceedings of the Commiſsioners in the treaty for the Union with England be laid before the Parliament And thereupon it was Ordered that the progreſs and advancement in the ſaid treatie be laid before the Parliament next Sederunt And Declared by a vote of Parliament that the Commiſsion of Parliament granted for the ſaid treaty is terminat and extinct and that there ſhall be no new Commiſsion for treating of an Union betwixt the Kingdoms of Scotland and England without consent of Parliament.

[Exporting English & Irish Wool] THE Act continuing the prohibition to Export Engliſh and Iriſh Wool proceeded in and a clause offered appointing all packs of Skins with wool upon them to be Sealed by the ſeveral Collectors at the three ports of Export and to pay a certain duty, which was read And thereupon the vote was asked If the duty ſhould be five or eight of the hundred of the value of ilk pack and Carried five; And then the clause agreed to be added to the Act And before voteing the Act Sir Patrick Johnstoun and Robert Inglis in name of the Toun of Edinburgh and the reſt of the Royal Burrows Protested That the Act or any thing therein contained might not prejudge the right and priviledge of the Royal Burrows and their free ports and particularly the Burgh of Edinburgh and Burgeſses thereof of their right of free ports and priviledge of Export belonging thereto conform to their rights and infeftments thereof And thereupon entred their Diſsent and craved the ſame might be marked Which protestation was adhered to by Alexander Robertson John Scrimzour John Allardice, Collonell John Erskine Walter Steuart Alexander Watson of Aitherny, Hugh Montgomery John Muir James Scot Robert Johnstoun Alexander Duff of Drumure Sir John Erskine M[r] James Melvill Alexander Cunninghame Walter Scot William Coltrane Sir Andrew Hume Sir James Smollet Archld Shiells Sir Alexander Ogilvie of Forglen M[r] William Johnstoun, Alexander Edgar Daniel Campbell James Bethun John Hutchieſone; who all Protested for their ſeverall Burghs to the effect abovementioned After which the Act was put to the vote and approven.

Protestation & Diſsent Sir Patrick Johnstoun Robert Inglis and others in name of the Toun of Edinburgh and the rest of the Royal Burrows

PETITIONS by Collonell George Mackgill, Collonell George Hamilton and Lieutennant General George Ramsay ordained all to be ſeen and answered againſt the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER X, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

Protestation the Lord Secretary concerning the Act in Cullodens favors. THE Lord Secretary Protested that the deliverance on the petition of the Heretors of Inuerneſs and Roſs in favors of Duncan Forbes of Culloden might not prejudge her Majesties interest in the annexed property of the Excise that it might neither operat an extension of, nor addition to the Acts in favors of the ſaid Duncan Forbes nor import any monopoly in prejudice of the petitioners or others and that it might not derogat from nor prejudge any obligation upon the ſaid Duncan to any ſhire or person as accords of the Law And thereupon asked instruments.

THEN her Majesties high Commiſsioner made a speech to the Parliament in manner following.

My Lords and Gentlemen

The Commiſsioners Speech IT was with great uneaſineſs to me that I was forced to be silent yesterday when so many did appear earneſt that I should ſpeak, I have all the inclination in the world to give yow full ſatisfaction; But I thought that I ought not to be preſsed to give the Royal aſsent or to declare my instructions in Parliament which I had made known to many noble and worthy members besides the Queens Servants.

NOW that these instances are let fall and that yow have proceeded to other buſineſs, to teſtifie how willing I am to give yow contentment in any thing that's in my power, I tell yow freely that I have received her Majesties pleaſure and am fully Impowered to give the Royal aſsent to all the Acts voted in this Seſsion excepting only that Act intituled Act for Security of the Kingdom; Yow may easily believe that requires her Majesties

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further consideration, At the ſame time her Majeſtie expects that yow will mind your own ſafety in makeing neceſsary proviſions for the troops upon the preſent Eſtabliſhment and that yow will put the trade and Cuſtomes on that foot, that the Civil liſt may be ſupported; And I intreat your Lordſhips to finiſh these as quickly as poſsible that this Seſsion may be put to a ſpeedy and happy conclusion.

[Act for Security of the Kingdom]

IT was thereupon moved That there may be an Addreſs of Parliament to her Majeſtie humbly intreating that her Majeſty may be pleased to give the Royal aſsent to the ſaid Act And after ſome debate upon that motion the vote was ſtated Addreſs or Proceed to other buſineſs and carried Proceed to other buſineſs.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliam' till Munday next at ten a clock.

SEPTEMBER XIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Lord Pitsligo took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsureance.

[Succeſsion to the Crown]

IT being moved That the draught of the act offered the ninth current by the Laird of Saltoun, for Limitations on the ſucceſsor to the Crown failzieing heirs of her Majesties body might be considered It was proposed that the Parliament might conforme to their vote on the twenty fifth past, proceed upon farder Overtures for trade And thereupon the vote being asked Whither the Parliament ſhould proceed on the ſaid act for Limitations or upon the Overtures for trade It carried that they ſhould proceed on the Overtures for trade.

[Importation of Wines]

THE Act for allowing the Importation of all wines and forreigne liquors read And after long debate the Question was stated Approve the first clause allowing the Importation of all ſorts of wines and other forreigne Liquors, or Not But before voteing the Marqueſs of Tweeddale protested for himselfe and in name and behalfe of ſuch as ſhould adhere to his protestation That this act allowing the importation of French wines and brandie ought not to paſs, as being diſhonourable to her Majestie inconſiſtent with the grand alliance wherein ſhe is engaged and prejudicial to the honour ſafety interest and trade of this Kingdom and therefore Deſired his protestation might be marked and insert in the records of Parliament and thereupon aſked Instruments: To which protestation adhered His Grace the Duke of Hamilton, The Marqueſs of Montrose, The Earls of Erroll, Mariſchall, Rothes, Home, Strathmore, Roxburgh, Haddingtoun, Selkirk, and Ruglen, The Viſcount of Stormont, The Lords Semple, Blantyre, Forrester, Bargany, Elibank, Beilhaven, Colvill, and Kinnaird, Robert Dundaſs of Arniſtoun, Sir Robert Dickſon of Inuereſk, George Lockhart of Carnwath, Andrew Fletcher of Saltoun, William Nisbet of Dirletoun, John Cockburn younger of Ormistoun, Sir Robert Sinclair of Longformacus, Sir John Home of Blackadder, Sir John Swintoun of that Ilk, Sir Patrick Home of Rentoun, Sir William Ker of Greenhead, William Bennet of Grubbet, William Baillie of Lamingtoun, George Baillie of Jerviswood, John Sinclair younger of Stevenstoun, James Hamilton of Aikenhead, M' William Cochran of Kilmarronock, Sir Humphray Colquhoun of Luſs, Sir John Houstoun of that Ilk, John Grahame of Killearne, James Grahame of Bucklivie, Robert Rollo of Powhouse, Thomas Sharp of Houstoun, John Halden of Gleneagles, Sir Patrick Murray of Auchtertyre, William Oliphant of Gaſk, Mungo Grahame of Gorthie, Sir Thomas Burnet of Leyes, Alexander Gordon of Pitlurg, John Udney of that Ilk, William Seton of Pitmedden, James Moir of Stonywood, Ludovick Grant of that Ilk, Hugh Roſs of Kilravock, Sir William Anstruther of that Ilk, David Bethun of Balfour, Major Henry Balfour of Dunboig, Robert Douglaſs of Strahendry, M' Patrick Lyon of Auchterhouse, James Halyburton of Pitcurr, David Grahame of Fintrie, Alexander Duff of Braco, James Broddie of that Ilk, Robert Dunbar of Grangehill, and John Bruce of Kinroſs Commiſsioners for Shyres, Alexander Robertson, Alexander Watson, Alexander Edgar, George Eaſson, James Oswald, Patrick Bruce, Sir John Anstruther, Sir John Erskine, James Spittle, Francis Moliſon, Sir James Halket, George Smith, Robert Kellie, M' John Lyon, George Broddie, Sir Robert Anstruther, M' John Carruthers, George Home, M' James Bethun, John Baine, and M' Alexander Arbuthnot Commiſsioners for Burghs: Then the vote was aſked Approve the Clause, or Not, and Carried in the affirmative.

Protestation the Marqueſs of Tweeddale and others

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XIV, M,DCC,III.

PRAYERS said The Rolls called.

Sir John Lauders Adherence to the last Protestation

THE Minuts of the last Sederunt being read, Sir John Lauder of Fountainhall, Desired his adherence to the Marqueſs of Tweeddale's protestation made the laſt Sederunt might be marked.

[Importation of Wines &c]

THE Act allowing the Importation of Wines and forreigne liquors was proceeded in, and a Clause being offered to Declare that any Nobleman or Baron may in return for effects of their native product Exported by them on their own riſk Import wines for their own use free of all custome excise or other duty, And that if they ſell the ſame they ſhall lose that priviledge thereafter and be fined in five thousand merks whereof the half to the informer; There was another clause offered, Reserveing to the Peers and Barons the ſame immunities and freedoms from Cuſtomes for wines which they had by the two hundreth and fifty first act, fifteenth Parliament King James the Sixth, And after debate The vote being aſked whither the first clause or the ſecond clause ſhould be added, and it Carried that the ſecond clause ſhould be added; Then a clause was offered oblidgeing the Importer to instruct his haveing exported of the product of this Kingdom to the value of the wines and liquors imported, and Confiſcating the wine and liquors Imported above the value of the Export, Whereupon the vote was aſked Add the clause to the act or Not, and Carried in the negative, After which the act was put to the vote and approven.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XV, M,DCC,III.

PRAYERS ſaid The Rolls called.

THE Minuts of the last Sederunt read.

[Shire of Caithneſs]

THE Act appointing thirty dayes to be the time for legal Execution within the ſhire of Caithneſs, read, and ordered to be marked a first reading.

[illegible]arl of [illegible]lbains

PETITION by the Earl of Breadalbain Craveing to be heard before paſsing of the act as being prejudicial to his Jurisdiction in that ſhire, read; and the petitioner allowed to ſee the act and to give in [illegible]s particular reaſons against it before the ſecond [illegible]ling.

[Orkney & Zetland]

THE Act in favors of the Queens Vaſsalls and Tennents within the Isles of Orkney and Zetland, read, and ordered to be marked a first reading.

PETITION by Collonell George Mackgill Deſireing the Recommendation of the Estates to her Majestie and the Lords Commiſsioners of her Majesties Theſaurie for relieveing him of a debt contracted for cloathing his regiment, read, and granted, as follows.

Recommendation in favors of Collonell George Mackgill.

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of Collonell George Mackgill humbly Shewing unto them that he was neceſsitat to engage his privat Credit to the deceased Patrick Chalmers and others for cloathing the Regiment he had under his Command Which being ſhortly thereafter diſbanded he was pursued by John Watsone Agent for the Regiment and his aſsigney for which he is dayly in hazard to be diſtreſsed And seing he has not only expended his privat patrimony for paying his publict debts But likewayes as a farther testimony of his zeal to the Government he delivered the compleat Cloathing of his Regiment for its ſervice as the books of Thesaury and store masters recepts can instruct And ſeeing his case ſeems very favourable and deſerves the ſame redreſs and justice which his Grace and their Lordships have given to others Therefore humbly Craveing His Grace and their Lordſhips to take what is above repreſented to their ſerious consideration And in compaſsion to the petitioners present ſuffering circumstances to order his reimbursements with the intereſt of what he has payed or ſtands engaged for upon the account of the ſaid regiment and to Recommend him to her Majestie and Lords of Thesaury for a remuneration of the ſaid new Cloathing for which there is a Letter already drawn by her Majesties Advocat and ſigned by the whole Lords of Thesaury as the ſaid petition bears Whereupon Her Majesties high Commiſsioner and the ſaid Estates of Parliament, by an Interloquitor dated the ninth day of September instant Ordained the representatives of Patrick Chalmers and all other parties concerned to see and answer the ſame against the then next Sederunt of Parliament And haveing this day again fully Considered the ſaid petition and that there were no answers made thereto They have Recommended and do hereby Recommend the petitioner to her Majestie and the Lords Commiſsioners of her Majesties Theſaury to have his circumstances considered with respect to the new cloathing furniſhed by him to his Regiment that he may have ſuch reimbursement and remuneration for the ſaid cloathing as her Majestie and their Lordſhips ſhall think fit.

[Succeſsion to the Crown] MOVED That the Act for Limitations on the ſucceſsor to the Crown failzieing heirs of her Majestie be considered.

[Act for Supply] MOVED That the Act for a Supply receive a first reading, And after long debate on these motions, It was agreed that the Parliament ſhould next Sederunt proceed upon Overtures for liberty.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Acts received the Royall Aſsent] THE following Acts Received the Royall Aſsent, viz. Act for ſecureing the true Protestant Religion and Preſbiterian Government, Act Ratifieing the turning the Meeting of the Eſtates into a Parliament, Act anent Leesing makers and Slanderers, Act for proveing the tenor in favors of Anna Cockburn, Act anent peace and war, Act anent the publict Accounts, Act anent Butchers, Act in favors of the Company tradeing to Africa and the Indies, Act Dischargeing the Importation of Irish victual, Act continuing the prohibition of Exporting English and Irish wool till the next Seſsion of Parliament inclusive, Act in favors of William Montgomery and George Lind for a Manufactory of lame purslaine and earthen ware, Act allowing the Importation of Wines and other Forreigne Liquors; Which ſeveral Acts are as follows.

ACT for Secureing the true Protestant Religion and Presbiterian Government

2 OUR SOVEREIGN LADY The Queens Majestie with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms all Laws Statutes and Acts of Parliament made against Popery and Papiſts, And for establiſhing maintaining and preserveing the true reformed Protestant Religion and the true Church of Christ as at present owned and ſettled within this Kingdom, As likewayes for establiſhing ratifieing and confirming Presbiterian Church Government and Discipline, That is to ſay the Government of the Church by Kirk Seſsions, Presbitries Provincial Synods and General Aſsemblies as agreeable to the word of God and the only Government of Christs church within this Kingdom And particularly without prejudice of the generality foresaid Her Majestie with advice and consent foresaid Ratifies Approves and Confirms the fifth Act of the Second Seſsion of King William and Queen Mary's Parliament Intituled Act Ratifieing the Confeſsion of Faith and Settleing Presbiterian Church Government in the haill heads clauſes and articles thereof as if at length herein ſet down But prejudice nevertheleſs to the twenty ſeventh act of the fifth Seſsion of King Williams Parliament Intituled Act concerning the Church as to the allowance therein given to certain Ministers not actually aſsumed by the establiſhed Church judicatories under the conditions and proviſions allwayes expreſsed in the ſaid act.

ACT Ratifieing the turning the Meeting of the Estates in the year 1689, into a Parliament.

3 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms the first Act of King William and Queen Marys Parliament dated the fifth of June One thousand six hundred and eighty nine Intituled Act Declareing the Meeting of the Estates to be a Parliament, And of new Enacts and Declares That the three Estates then met together the ſaid fifth of June One thousand six hundred and eighty nine consiſting of Noblemen, Barons and Burrows were a lawfull and free Parliament And it is Declared that it ſhall be high treason for any person to diſown quarrell or impugne the dignity and authority of the ſaid Parliament And farder the Queens Majestie with consent foresaid Statutes and Declares That it ſhall be high treaſon in any of the Subjects of this Kingdom to quarrell impugne or endeavour by writeing malicious and advised speaking or other open act or deed to alter or innovat the Claim of Right or any article thereof.

ACT anent Leesing Makers and Slanderers.

4 OUR SOVEREIGN LADY Considering that by the Acts of Parliament following viz. The Act James first Parliament ſecond Cap: fourty third, intituled, Leesing makers tines life and goods Act James fifth, Parliament Sixth Cap: Eighty third, Of Leesing makers, Act James Sixth, Parliament Eight Cap: one hundred and thirty fourth Anent Slanderers of the King his Progenitors and Realm Act James Sixth Parliament tenth Cap: tenth, Intituled Authors of Slanderous Speaches or Writs ſhould be puniſhed to the death, Act James Sixth Parliament fourteenth Cap: two hundred and fifth, Anent Leesing makers and authors of slanders And Act James Sixth Parliament twentieth Cap: ninth intituled Act againſt Scandalous Speech and Lybells, the Crimes therein mentioned are n

capital and puniſhable by death and confiscation And that the ſaid Laws have been lyable to ſtreatches, And that in respect of their generality and the various construction which the ſame may admit They may be as to the foresaid capital puniſhment of dangerous consequence Doth therefore with advice and consent of the Estates of Parliament Abrogate and Discharge in all time comeing the foresaid ſanction and pain of death and confiſcation contained in the ſaid Acts And Statutes and Ordains that the puniſhment of the Crimes therein mentioned ſhall for hereafter only be arbitrary according to the demerit of the transgreſsion That is by fineing impriſonment or baniſhment, or if the party offender be poor and not able to pay a fine, then to be puniſhed in his body (life and limb alwayes preſerved).

ACT for proveing the tenor of burnt writs in favors of Anna Cockburn daughter to the deceast Patrick Cockburne of Borthwick

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Considering that upon ane petition given in by Anna Cockburn daughter to umquhile Patrick Cockburn of Borthwick to his Majesties Commiſsioner and Eſtates of Parliament in November I^m^ and vij^c^ Mentioning that her writs and evidents were in the custody of Sir David Hume of Croſsrig one of the Senators of the Colledge of Justice her Uncle and Tutor the time of the late dreadfull fire, and were burnt with his own in his Lodgeings in the Meal mercat on the third of February I^m^ and vij^c^ And seeing there are ſtill Inventars of the ſaid papers extant One ſigned by the ſaid Sir David and Sir Archbald Cockburn of Langtoun in April One thousand six hundred and eighty three, Ane other that is lying in the Commiſsar Clerk of Edinburghs hands And that the Parliament has been in use in ſuch cases to fall on wayes for makeing up of writs destroyed by ſuch unforseen accidents And therefore craveing that his Matie and the honourable Court of Parliament would be pleased to commit this affair to ſome of their number to take tryal of the matters of fact represented and others to be represented and to grant diligence and after report to take ſuch course for makeing up and ſupplieing her papers as the Commiſsioners Grace and the honourable Court of Parliament ſhould think fit as the ſamen more fully proports An Commiſsion was accordingly granted to the persons therein mentioned being one of each ſtate viz. The Viſcount of Tarbat Sir John Lauder of Fountainhall Knight and Mr David Dalrymple Advocat three of their number And that the ſaid Commiſsioners haveing given in and returned their report of their proceedings and judgement concerning the premiſses Bearing, That they are of opinion that the Causa amiſsionis or manner how the ſaid writs were lost is notourly known to the Commiſsioners Grace and many others members of the honourable Court of Parliament And is ſufficiently proven by the testimonies of diverse famous witneſses adduced by the ſaid Sir David Home in an proveing of the tenor of his own Writs conforme to ane Remit granted by the high Court of Parliament to the ſaid Committee thereanent As to the writs wanting belonging to the ſaid Anna Cockburn they were of opinion That there are ſeveral pregnant preſumptions for Evinceing that ſuch writs did exist and were of the ordinary tenor of ſuch writs viz. Primo by the testimony of Thomas Mercer Commiſsar Clerk depute of Edinburgh who depones that the Inventar aftermentioned of writs belonging to the ſaid Anna Cockburn was truely given in of the date it bears by the Lord Croſsrig her Tutor dative before the Commiſsaries of Edinburgh And gives his causa ſcientiæ that he wrote the ſignature afterspecified on the foot of the ſaid Inventar and was present in Court when it was given in And that he had keept it amongst the warrands of the ſaid Court ever since Secundo By the oath and testimony of Sir Archbald Cockburn of Langtoun who Depones That upon the death of Patrick Cockburn of Borthwick he became Tutor to the ſaid Anna Cockburn and her deceased brother John, procreat by the ſaid Patrick on the deceased Iſsobell Home daughter to the Laird of Blackadder And that the ſaid Patrick Cockburn's writs were brought to his house at Langtoun and haveing taken inspection of an Inventar of the ſaid writs consisting of twenty six piece of paper relating to ane Wadset of the mains of Ladykirk and fiſhing thereof and ſeveral other things bearing to be ſubscribed by him and the Lord Croſsrig the petitioners uncle dated at Langtoun the fifteenth day of April I^m^ vj^c^ and eighty three and marked by the ſaid Committee of the date of the ſaid deposition He thinks he received the writs contained in the ſaid Inventar and that the ſubscription is like his hand writ, but cannot be positive as to all the writs in the Inventar or to his ſubscription untill ſuch time as he can have liberty and leasure to goe to Langtoun where his writs and evidents ly to ſearch for his own double of the ſaid Inventar and what other documents he may have to clear him in the matter Tertio By the Oath and Teſtimony of the ſaid Sir David Home of Croſsrig who depones that in April I^m^ vj^c^ and eighty three he the deponent being at Langtoun Sir Archbald Cockburn and he did inventar certain writs found in the deceased Patrick Cockburn of Borthwicks trunk And the ſaid Sir Archbald and he ſigned an Inventar thereof conſiſting of Twenty six piece of paper which is marked by the ſaid Committee Likeas he did receive up the ſaid papers from the ſaid Sir Archbald Cockburn of

Langtoun And haveing thereafter obtained an tutory dative to the ſaid Anna Cockburn he did on the twenty one day of May I^m vj^c^ and ninety two make up an Inventar of the ſaid papers conſisting of Twenty three articles And conform to the Act of Parliam^t ſigned and gave in the ſame to the Commiſsars of Edinburgh, And who farder Depones that the ſaid papers were in his hands and hanging in his closet on the third of February I^m and vij^c^ at which time the fire happened in the meal mercat and were then lost and consumed in the flames And for farder clearing and evinceing the existence of the ſaid papers lost the ſaid Sir David Home in name of the ſaid Anna Cockburn produced to the ſaid Committee ane Diſpoſition by Mr Philip Niſbet ſometime in Ladykirk in favors of Patrick Cockburn of Borthwick and Iſobell Home his Spouse the longest liver of them two in liferent and the heirs procreat or to be procreat betwixt them in fie The part and portion of the Lands of Mains of Ladykirk with the fiſhing on the water of Tweed called Hallywell Which diſpoſition narrates ſeveral of the writs awanting and agrees with the foresaid Inventars as to the dates and tenors of the ſame and is dated at Ladykirk the twenty fifth of October I^m vj^c^ and eighty two As also the ſaid Committee has ſeen a Register book of Seasines beginning upon the ſixteenth day of December I^m vj^c^ and fourty six years and ending upon the fourth day of August I^m vj^c^ and fourty ſeven years wherein they fand recorded an Seasine in favors of Agnes Purves of the Mains of Ladykirk Which ſeasine proceeds upon an charter by James Earl of Home in favors of the ſaid Agnes upon an eik of ane wadset and is dated the ninth of July I^m vj^c^ and fourty ſeven and registred at Edinburgh the twelvth of July the ſaid year James Wallace Notar And seeing it is notour that the ſaid Sir David Home is a person of eminent and unquestionable integrity So that it cannot be doubted but that the whole writs contained in the ſaid Inventars were extant when the ſame were made up at Langtoun and when he made and gave up the ſame to the ſaid Commiſsars of Edinburgh Therefore and for supplying the want thereof It was their opinion that there ſhould be ane Act of Parliament made wherein the ſaid Inventar ſhould be intirely insert verbatim and which ſhould be of the tenor aftermentioned of this preſent Act Therefore her Majestie with advice and consent of the Estates of Parliament has Allowed and Approven and by thir presents Allow and Approve the Report foresaid And for supplying of the ſaid Anna Cockburn her Writs and Evidents burnt and lost upon the foresaid occasion Her Majestie with advice and consent foresaid has Declared Statute and Ordained and by thir presents of certain knowledge upon, and for the causes and considerations foresaid after mature deliberation Declares Statutes and Ordains the foresaid Inventar (whereof the tenor follows and is hereafter verbatim insert) or Extract of this present Act to be as valid effectual and ſufficient authentick and forceable and to make as good faith in Judgement and outwith the ſame in time comeing in ſua far as the words of the ſaid Inventar proports for intenting of purſutes founding of exceptions and other alleadgeances thereupon instructing of ſervices ſatisfieing of productions in reductions and improbations and in all other actions and to all other effects ends and purposes as if the principal evidents were extant of the dates tenors and contents mentioned in the ſaid Inventar And which haill writs are presumed and understood to be of the usual ſtile and tenor of such writs and to contain all the clauses and haill ſolemnities used and wont to be insert by the usual conception of ſuch writs INVENTAR of the bonds compts & tickets due to the deceased Patrick Cockburn of Borthwick together with the names & deſignations of his Lands now belonging to Anna Cockburn his daughter procreat betwixt him and Iſobell Home his ſpouse made up by Mr David Home of Croſsrig her Tutor dative conform to the Act of Parliament. Imprimis Tack be James afterwards Earl of Home to Agnes Purves of the fiſhing of Halywell dated September I^m vj^c^ and thirty five. 2, Item Bond by the ſaid James Earl of Home to the ſaid Agnes Purves for the ſum of ſeven thouſand merks dated the fourth of January I^m vj^c^ and thirty ſeven. 3, Item Tack by the ſaid Earl to the ſaid Agnes of the mains of Ladykirk for the space of nineteen years commenceing fra Whitsunday I^m vj^c^ and thirty six dated the Sixteenth of July I^m vj^c^ and thirty six. 4, Item Contract of wadset betwixt the ſaid Earl and Agnes Purves of the ſaid lands of Ladykirk dated the ſeventh of August I^m vj^c^ and fourty 5, Item An Contract or eik of Wadset betwixt the ſaid Earl and Agnes Purves of the forſaid Lands upon her advanceing him five thousand and one hundreth merks dated the eighteenth and nineteenth of June and July I^m vj^c^ and fourty ſeven. 6, Item another double of the ſaid firſt Contract. 7, Item Charter granted by the ſaid Earl to the ſaid Agnes of the ſaid Maines of Ladykirk dated the ſevent of August I^m vj^c^ and fourty. 8, Seasine following thereupon dated Twenty fifth of August I^m vj^c^ and fourty, Bartholomew Samson Notar Registred at Lauder the Sixth of October the ſaid year. 9, Item Charter by the ſaid Earl to the ſaid Agnes upon the eik dated the twenty fourth of June I^m vj^c^ and fourty ſeven. 10, Item Seasine following thereupon dated the ninth of July I^m vj^c^ and fourty ſeven James Wallace Notar, Registred at Edinburgh the twelvth of July I^m vj^c^ and fourty ſeven. 11, Item Another double of the ſaid Contract or eik of Wadset betwixt the ſaid Earl and Agnes Purves. 12, Item Diſpoſition and Aſsignation be the ſaid Agnes Purves to Mr Philip Nisbet her son of the Maines of Lady-

kirk dated the twentieth of February. 13, Item Mr Philips Seafine following upon the foresaid disposition dated the twentieth of January I^m^ vj^c^ and fifty five Registred at Dunce the second of February I^m^ vj^c^ and fifty five James Wallace Notar. 14, Item Mutual Tack betwixt the Earl of Home and Mr Philip of the Mains of Ladykirk and fishings of Tweed called Halywell for the space of a year beginning at Whitsunday I^m^ vj^c^ and fifty five and sua furth fra year to year till the payment of Twelve thousand and one hundreth merks In which Alexander Cockburn and Stevensone are setters and subscribers dated the twelvth of August I^m^ vj^c^ and fifty four. 15, Item Disposition by Mr Philip with consent of his Mother to Alexander Cockburn to the parts and portions of the Lands of Ladykirk possest by the said Mr Philip with the fishing called Halywell and that heretably and irredeemably Dated the thirteenth of June I^m^ vj^c^ and fifty seven. 16, Item Assignatione by the said Mr Philip to Alexander Cockburn of an Decreet of Appriseing led against the Lands of Upsettlingtoun &c. within the new sessions house of Edinburgh the ninth of September I^m^ vj^c^ and fifty four Which Assignation is dated the thirteenth of June I^m^ vj^c^ and fifty seven. 17, Item Renunciation by the Earl of Home of an reversion contained in an contract of Wadset of the Lands of Upsettlingtoun &c. betwixt the said Earl and Alexander Cockburn in the year I^m^ vj^c^ and fourty six Dated the penult day of July I^m^ vj^c^ and fifty three. 18, Item An Oblidgement by Longformacus narrating an Tack of Halywell by him as haveing right be wadset as Tutor for Stevenson and the receipt of Twelve hundred merks of grassum whereby he oblidges himselfe in case of redemption within the years of the tack to refound him a proportion of grassum according to the years to run in the tack Dated the thirteenth of June I^m^ vj^c^ and fifty seven. 19, Item Declaration be Alexander Cockburn of Letham makeing mention of the disposition made by him to Mr Philip of the wadset of the mains of Ladykirk and fishing belonging thereto whereby he declares That his name was insert for security anent his relief of the sums for which there was bond granted by Longformacus as principal and himself and others as Cautioners to the said Mr Philip oblidgeing him to denude himself in favors of Longformacus Dated the sixth of July I^m^ vj^c^ and fifty nine. On the back of the said declaration there is another declaration by Longformacus designed Sir Robert Sinclair of Lochend. 20, Item an Contract betwixt the said Earl of Home Linthill and Mr Philip on the one part and Alexander Cockburn Narrating Agnes Purves her right and Alexander Cockburns right from her by progress and the Act of Debitor and Creditor whereby the said Earl &c. oblidge themselves to pay to the said Alexander Cockburn yearly the back tack duty extending to seven hundred and twenty six merks With power to the said Alexander to the natural possession in case of failzie Dated the tenth of January and sixteenth of May I^m^ vj^c^ and sixty three. 21, Item Execution of an precept of warning be Borthwick against Mr Philip Nisbet be Robert Home Messenger dated the twenty second of April I^m^ vj^c^ and seventy four. 22, Item another Execution against several debitors dated the eighteenth and nineteenth of April I^m^ vj^c^ and seventy four Robert Home Messenger. 23, Item Instrument of Intimation and Requisition dated the sixth of March I^m^ vj^c^ and fifty four. Edinburgh xxi May I^m^ vj^c^ ninety two years This is one of the three Inventars of the Means and Estate belonging to Anna Cockburn the pupill judicially given in by Mr David Home of Crossrig one of the Senators of the Colledge of Justice her Tutor dative conform to the Act of Parliament and to which the Judicial act extracted thereanent relates Sic subscribitur David Home, Ja: Smollet Patt: Aikenhead Clerk. AND Lastly Our Sovereign Lady with advice and consent foresaid Declares that this present Act shall be and is hereby excepted furth of and from any Act Salvo to be past in this Session of Parliament.

ACT anent Peace and War.

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Statutes Enacts and Declares that after her Majesties decease and failzieing heirs of her body no person being King or Queen of Scotland and England shall have the sole power of makeing war with any Prince Potentate or State whatsoever without consent of Parliament And that no declaration of war without consent foresaid shall be binding on the Subjects of this Kingdom Declaring alwayes that this shall no wayes be understood to impede the Sovereign of this Kingdom to call furth, command, and imploy the subjects thereof to suppress any insurrection within the Kingdom or repell any invasion from abroad according to former Laws; And also Declaring that every thing which relates to Treaties of Peace Alliance and Commerce is left to the wisdom of the Sovereign with consent of the Estates of Parliament who shall declare the war: And her Majestie with consent foresaid Repells Cases and Annulls all former Acts of Parliament in so far as they are contrare hereunto or inconsistent herewith. 6

ACT and Commiſsion anent the Public Accounts

7 FORASMUCH as many great ſums of money have been raised for payment of the forces in this Kingdom and for the support of the Government ſince the eleventh day of April I^{m} vj^{c} and eighty nine years, that the late King William and Queen Mary were declared King and Queen of this Realm; And it being just and reasonable that her Majestie and the Kingdom may be informed and ſatisfied if all the ſaid ſums of money have been faithfully and truely expended and imployed for the ends and uses for which the ſame were granted Therefore Her Majestie with advice and consent of the Estates of Parliament Nominats Constitutes and Appoints the Earls of Galloway, Northesk, Balcarras, Dunmoir, and the Viscount of Stair, Robert Dundaſs of Arniestoun, Sir John Lauder of Fountainhall, John Haldan of Gleneagles, William Seton of Pitmedden younger, James Ogilvie of Boyne younger, Coline Campbell, Mr John Clerk, Mr Dougall Steuart, Sir David Cunninghame, Mr Robert Frazer to be Commiſsioners (and the major part of them to be a quorum) for takeing of the accounts of all moneys of the publict revenues which were in the hands of the Collectors of the Ceſs Commiſsaries of the Forces, Tacksmen and Collectors of the Ceſs and Excise upon the ſaid eleventh day of April I^{m} vj^{c} and eighty nine, and of all arrears thereof and of all Ceſs Inland Excise annexed or additional, Pole money, Hearth money & Tunnage falling due since the ſaid eleventh of April I^{m} vj^{c} and eighty nine, And how and in what manner and by whom and to whom the ſame hath been ordered payed and disposed; As also for takeing the Accounts of all the ſtores, proviſions, habulgiements for war which were in any of her Majesties garisons ſtorehouses or else where upon the ſaid eleventh day of April and to ſet down what ſums of money proviſions, ſtores and other things whatsoever have been provided payed or disposed of at any time ſince the ſaid eleventh day of April I^{m} vj^{c} and eighty nine for the payment or maintainence of the forces or other publict charges and for buying furniſhing and ſetting to ſea the Ships of war that were bought for the use of the Nation, And for the better enabling of the ſaid Commiſsioners or their quorum foresaid to take the ſaid Accounts, They are hereby Impowered and Authorized to call for the Clerks of the Exchequer, General Receivers, Tacksmen, & Collectors of the Excise, Commiſsaries and Pay maſters of the Forces, Collectors and Tacksmen of the Pole money, Hearth money and Tunnage and all other persons imployed in manageing paying receiving or disposeing of the ſaid Supply, Excise, Pole money Hearth money and Tunnage and all proviſions victualls and ſtores of war And to call for all other persons whatsoever whom the ſaid Commiſsioners or their quorum ſhall think fit to examine in order to the takeing of and inquireing into the ſaid Accounts; And for the better executeing of the ſaid Commiſsion the ſaid Commiſsioners or their quorum are hereby Impowered and Authorized to send for such Books Papers Writeings, or Records as they ſhall judge neceſsary for their information in all things relating to the ſaid Accounts and to take information upon oath for the better diſcovery of the inquiries to be made: And it is specially Provided that whoever ſhall make diſcovery of any Imbazelments or Misapplications of the ſaid fonds ſhall have ten of the hundred of what ſhall be diſcovered for their pains. And farder the said Commiſsioners or their quorum are hereby Impowered to Inquire into and Examine any briberies or corruptions in any persons concerned in the manageing, ordering paying receiveing or disposeing of the ſaid publict moneyes, if any ſuch briberies or corruptions have been used. As likewayes the said Commiſsioners or their Quorum are hereby Authorized and Required to call for ꝑe Muster Maſters and ſee if they have done their duty in relation to the Mustering of the forces and what faults and neglects have been on their parts As also to inquire if all the Regiments Companies and Troops have allwayes been kept full according to the eſtabliſhment; And if the Commanders in chief Collonells and other officers have been any wayes wanting in that matter and have not had their Regiments Companies and Troops full according to the Establishment, That a particular account thereof be set down And the said Commiſsioners or their quorum are hereby Impowered and Authorized to Call for all persons whom they ſhall think fit and examine them upon oath And to call for all ſuch papers books writeings or records as they ſhall judge neceſsary for their information in this matter As also the said Commiſsioners or their Quorum are hereby Authorized and Required to inquire into and take tryal of what eases and abatements have been granted and to whom And this Act and Commiſsion is to endure to the next Seſsion of Parliament But it is hereby Provided that all persons who are oblidged to Compt to her Majestie for ſuch sums of money as are and ſhall be received and given out by them shall still be oblidged to Compt to the Lords of Thesaury or Lord high Thesaurer or Thesaurer depute for the time for the ſums received and given out by them according to the usual custome notwithstanding of any thing contained in this act And the said Commiſsioners are hereby Ordained to make a report of their proceedings in the ſaid matter in writeing to the next Seſsion of Parliament Provideing allwayes that the proceedings already made by former Commiſsions of Parliament anent the Pole money

given by the Parliament I^m vj^c^ and ninety three ſhall ſtand in full force With power to the ſaid Commiſsioners and their quorum foresaid to proceed where the former Commiſsion left toward the concludeing that affair by makeing a dividend of the money now in the hands of the Caſhier of the former Commiſsion according to the several just pretensions of the Officers And the first diet of their meeting is hereby appointed to be at the Low Council house of Edinburgh the first lawfull day after this Seſsion of Parliament by ten a clock in the forenoon With power to adjourn their meetings thereafter to ſuch times and places as they ſhall think convenient And Lastly Provideing that this Act and Commiſsion ſhall not prejudge her Majesties right of Annexation of the ſaid Excise by vertue of any former Act of Parliament.

ACT Dischargeing Butchers to be Grasiers &c.

8 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Do hereby Prohibite and Discharge all Butchers or Fleshers to take brook or poſseſs either by themſelves or any others for their use and behoove directly or indirectly any parks inclosures or any other Lands whatsoever leſs or more exceeding one acre under the penalty of ane hundred pounds Scots for each time they contraveen and alse to forfeit the whole nolt and ſheep that ſhall be found in the ſaid parks inclosures and graseings belonging to them the one half thereof to be imployed for her Majesties use and the other half to the informer And farder Do hereby Declare the Contraveener to lose his freedom as an Burgeſs in all the Burghs of this Kingdom And likewayes Declares all Tacks already made or to be made with any Butcher or Fleſher or for their behove anent the ſett or farm of all parks inclosures and other Lands whatsoever exceeding an acre to each butcher or fleſher (unleſs the ſame be tilled and ſowen with corn yearly) to terminat and be void and null after the term of Whitsunday next to come And farder Her Majestie with advice and consent foresaid Statutes and Ordains that it ſhall be leisum to all persons whatsoever to ſell and break all ſorts of fleshes on every lawful day of the week and that in all the Burghs and Touns of this Kingdom free of any imposition whatsoever the petty custome of Burgh excepted.

ACT in favors of the Company trading to Africa and the Indies

OUR SOVEREIGN LADY The Queens Ma- 9
jestie takeing into consideration the many obstructions loſses and disappointments which the Company of this her ancient Kingdom tradeing to Africa and the Indies have from time to time met with in the prosecution of their lawfull endeavours for advanceing the interest of so Nationall a Concern And being most willing to give them her Royal countenance and protection in all their just deſigns and undertakeings doth with advice and consent of the Eſtates of Parliament as a mark of her Royal favour Ratifie Approve and Confirm the Eight act of the Fifth Seſsion of King Williams Parliament with the Letters patent following thereupon in all the heads clauses articles and conditions therein contained As also the thirteenth Act of the Eight and Ninth Seſsions of the ſame Parliament and all others already past in favors of the ſaid Company: And likewayes her Majestie with consent foresaid Declares that as the ſaid Company is fully and ſufficiently authorized and impowered to grant permiſsion and communicat it's priviledges to others whither natives or forreigners; So in like manner all persons and ſhips tradeing to Asia Africa, or America by commiſsion or permiſsion under the ſaid Company's ſeal and returning to Scotland in the terms of the ſaid act of Parliament and Letters-patent are and ſhall be thereby intituled to, and invested with all the priviledges and immunities contained in the ſaid Acts as fully and freely in all respects as if the absolute property of both Ship and Cargo did intirely belong to the ſaid Company.

ACT Dischargeing Importation of Irish Victual, Beef and Cattle

OUR SOVEREIGN LADY with advice and 10
consent of the Estates of Parliament Ratifies and Approves the third act third Seſsion ſecond Parliament King Charles the Second I^m vj^c^ and ſeventy two, entitled Act Dischargeing the importation of Irish victual As also the fourteenth act of the ſecond Seſsion of the first Parliament of King James the Seventh I^m vj^c^ and eighty six entitled Act against Importing Irish victual or cattle Excepting the clause in the ſaid ſecond Act I^m vj^c^ and eighty six, That all the victual that ſhall be imported ſhall be sunk and destroyed. Declaring that in place thereof it ſhall only be Confiscat as in the ſaid former act I^m vj^c^ and ſeventy two. And farder for the more effectual prohibition of the importing of the ſaid Iriſh victual prohibited to be imported by the ſaid Acts Her Majestie

with advice and consent foresaid Statutes and Declares that all importers of the ſaid Iriſh victual as well the masters as seamen of the veſsells wherein it is imported As also the Receipters, Sellers, Retaillers, or Buyers thereof or any part thereof wittingly ſhall be not only lyable in the fines and penalties ſtatute in the ſaid Act of Parliament I^{m} vj^{c} and ſeventy two; but likewayes all under the degree of Heretors ſhall be delivered to any Scots officer ſerveing her Majesties allies abroad and to be transported by them for recruits when once discovered and convicted at any time within the space of Six moneths after their ſaid delinquencie Which delinquencie may be cognosced and tryed by any Judge Ordinary and that at the instance of any person whatsoever that ſhall think fit to accuse and to be proven pro ut de jure And which Judges Ordinary are hereby fully impowered to that effect Likeas for preventing all connivance or collusion in this matter, the Seizer of any ſuch victual imported who for his encouragement is declared by the ſaid Act I^{m} vj^{c} and eighty six to have the veſsell wherein the import was made to be disposed of as his own shall be oblidged first to make the victual furthcomeing to the ſaid Judge Ordinary without any diminution or imbazlement And the foresaid Judge is immediatly to give ane account thereof to the Lords of the Thesaury to the effect that they may order the ſame to be transported furth of the Kingdom with the first conveniencie the product whereof ſhall belong to the said seizer or diſcoverer And if the said Judge Ordinar ſhall failzie therein or ſhall any manner of way collude or connive with the foresaid Importers or ſhall accept of a bribe from them either directly or indirectly by Servants or others intrusted or imployed by him for that effect, or ſhall transact or compone with the said importers or any others for their behoove otherwayes than in the precise terms of the Acts of Parliament abovementioned, then and in either of these cases the said Judge Ordinary ſhall be fined in the ſum of One thousand pounds Scots toties quoties the said Thousand pounds to belong wholly to the informer, And farder ſhall be declared incapable of all publict trust for ever thereafter And it is furder hereby provided and declared that it ſhall be lawfull for any person whatsoever to inform against and prosecute the foresaid Judges Ordinary before the Lords of Privy Council Lords of Seſsion Commiſsioners of Justiciary or other Judges competent as they ſhall think fit and that at any time within two years after committing of the facts And farder Her Majestie with advice and consent foresaid Extends the foresaid Acts hereby Ratified as also this present Act with the prohibition and pains therein contained against all importing by sea or land and against all buying ſelling, recepting and retailling wittingly of any victual from England or any Countrey whatsoever into this Kingdom Excepting allwayes that wheat pease and beans for seed may be imported from England upon payment of fourty ſhilling more than the ordinary custome per boll if fairly imported and entered or otherwayes the said Import of the said wheat pease and beans though by land ſhall be judged an unlawfull import and lyable to the pains abovementioned attour the confiscation of the horſes that ſhall be made use of for the said import And farder for preventing all fraud in this matter under the colour of transporting victual from one port or place in the western ſhires mentioned in the ſaid act I^{m} vj^{c} & ſeventy two It is Statute and Ordained that the transporters thereof ſhall bring Certificats from the Heretors or their factors upon whose Lands the ſaid victual transported grew Testifieing the ſame in the precise quantity and quality to be the grouth thereof Which Certificats ſhall be first ſhown to the Judge Ordinary of the port or place to which the ſaid tranſport is made before the victual be livered or unloaded otherwayes the foresaid victual ſhall be holden to be unlawfully Imported And the Importers Recepters Sellers Retaillers and the Buyers abovementioned lyable to all the pains foresaid Likeas the Granters of the said Certificats if found to be false or the said Judge at the foresaid port or place to which the transport is pretended to be made failzieing in his duty or any wayes conniveing against the true meaning of this act ſhall be lyable for the ſame pains as if unlawfull importers And It is Declared that the Veſsells wherein the ſaid prohibited import is made may be not only arreasted, leased, or confiscat where and when the import is first made but at any place or time thereafter within the ſpace of Two years It is alwayes hereby provided that when by reason of dearth the prices of victual exceed the rates aftermentioned viz. Wheat Twelve pounds the boll, Bear Barley Malt and Meal Eight pound per boll and Oats and Pease Six pound per boll The Lords of her Majesties Privy Councill ſhall have power after due tryal by them taken to ſuspend and diſcharge the Execution of the said prohibitory Acts for such space and time as the exigence of the ſaid dearth ſhall require and no longer: As also Her Majestie with advice and consent foresaid Prohibites and Discharges the Importing into this Kingdom of any horse kine or other Iriſh cattle whatsoever and all kind of Iriſh beef upon any pretext whatsoever And if any Collector ſurveyor or waiter ſhall connive at the importing of any ſuch kine horses cattle beef or victual they ſhall ipſo facto be deprived of their ſaid offices and declared incapable of any publict office within this Kingdom in time comeing And that the Importers ſhall incurr the penalties and certifications contained in this or any other former Acts anent Importation of any Irish victual or cattle And hereby Rescinds Caſses and Annulls all Acts and clauses of Acts impowering the Lords of Privy Councill to give licence for

importing Horses Nolt or other Cattle Beef or Victual except in the case of dearth foresaid.

ACT continuing the Prohibition of Exporting Engliſh or Iriſh Wool till the next Seſsion of Parliament inclusive.

11 OUR SOVEREIGN LADY and Estates of Parliament Considering that by the ninth Act, ninth Seſsion King Williams Parliament intituled Act dischargeing the exportation of wool It is Declared that notwithstanding the general prohibition yet as to the export of Engliſh and Irish wool the prohibition ſhould only endure to the then next Seſsion of Parliament inclusive whereby the prohibition is terminat And her Majestie and Estates of Parliament also Considering the prejudice that would arise to the Manufactories of this Nation and improvement thereof by exporting Engliſh or Iriſh wool Do Therefore Continue the Prohibition as to Engliſh and Iriſh wool untill the next Seſsion of Parliament inclusive And all persons whatsoever are hereby Discharged upon any pretence to export any ſort or kind of wool under the pain and penalties contained in the Act abovementioned. Provideing allwayes that notwithstanding any thing in this Act or the foresaid Act or any former Law it ſhall be leisum to Export all ſorts of ſheeps skins and lamb skins with wool upon them or otherwayes untill the said next Seſsion of Parliament inclusive Declaring nevertheleſs that it ſhall not be lawfull to export ſuch ſkins from any other ports within this Kingdom excepting these of Borroustounneſs, Newport-Glaſgow, and Dumfreis And her Majestie with advice and consent foresaid Ordaines the ſaid skins to be packed at the ſaid ports in presence of the Collector or Surveyor thereof who ſhall be oblidged to seal the said packs gratis without delay With power to any of the woollen manufactories or deaconries of the Glovers within this Kingdom to Commiſsionat a person to attend at the said ports and to concurr with the collector or ſurveyor in packing and ſealing the ſaid ſkins Which ſkins ſhall be lyable to a duty of five per Cent. of the value in place of all other duty to be exacted by the collector without abatement (excepting mortlamb ſkins which are hereby allowed to be exported at any port in the Nation free of any duty whatsoever) and the value of the ſaid skins is to be according as the owner or exporter thereof ſhall estimat the ſame under his hand at or before ſealing And for preventing fraud the owner or exporter ſhall be bound to ſell the ſame at the Estimat he puts upon them the price being payed or really offered in ready money by the ſaid person to be Commiſsioned by the Manufactories or Glovers or any other persons who ſhall be oblidged to manufacture the ſame within the Kingdom; And in case of such payment or real offer and refuseall of the price, the Exportation is hereby Prohibited And It is hereby Declared that albeit the wool whither Scots Engliſh or Iriſh be not found or seized before Exportation nor the delinquents whether merchants exporters, maſters skippers of boats or barks collectors ſurveyors or waiters or other connivers aſsiſters or abbettors; Their delinquencie or contravention of the foresaid Act may be proven by their oath or otherwayes as accords of the Law; And all this but prejudice of the foresaid Act which ſtill ſtands in its full force except in so far as it is hereby altered.

ACT in favors of William Montgomery and George Linn for a Manufactory of Lame Purslane and Earthen ware.

OUR SOVEREIGN LADY the Queens Ma- 12
jestie and the Estates of Parliament takeing to their Consideration the great prejudice which the Subjects of this Kingdom do ſustain through the want of tradesmen for makeing of Lame Purslane and Earthen ware which occasions the yearly Export of great sums of money out of the Kingdom And that the Leidges are not furniſhed with them here but at double charges of what they cost abroad and in other places where they are made, occasioned not only by the high exchanges of money and ſea hazard, but especially by the nature of that ware's being brittle in itſelf and ſubject to many accidents all which must be reckoned and computed by the sellers And considering also that the haveing of a pot-house and all conveniencies for makeing of the ſaid Lame and Purslane and Earthen ware will also imploy a great many of her Majesties Leidges at home within the Kingdom And that William Montgomery of Mackbiehill and George Linn Merchant in Edinburgh have offered upon their own charges to erect and ſet up a pothouse with kills mills warehouse and other conveniencies for makeing of the ſaid Lame Purslaine and Earthen ware and to bring home workmen for that effect upon their own charges untill those of this Nation be capable and instructed in the ſaid trade provideing they be allowed ſuch priviledges and encouragements for ſuch a certain number of years as the hazard of a project new in it ſelfe and lyable & ſubject to many miscarriages and accidents in the beginning and the uncertainty whither when the ſame is erected the clay of this Kingdom will prove ſo good and ſufficient as to proceed therein Therefore Our said Sovereign Lady and Estates of Parliament do hereby Statute Enact and Ordain that the ſaid William Montgomery of Mackbiehill and George Linn Merchant in Edinburgh their heirs and aſsigneyes and ſuch other persons as they ſhall aſsume in Company and Society with themselves ſhall not only have and enjoy all priviledges of manufactory

for makeing of the ſaid Lame Purslane and Earthen ware contained in the Act of Parliament I(1) vjc. and eighty one and that both as to themselves and all other persons imployed by them in the ſaid work or concerning the ſamen But also do Give and Grant to the ſaid William Montgomery and George Linn their heirs and aſsigneyes and ſuch other persons as they ſhall aſsume as ſaid is the ſole power of makeing the said Lame or Earthen ware within this Kingdom for the ſpace of fifteen years next to come beginning from the date hereof And Prohibits and Discharges all other persons to make any of the ſaid Lame Purslaine and Earthen ware or to erect any pothouse for that purpose within this Kingdom dureing the time foresaid without the speciall licence of the ſaid William Montgomery and George Linn and their foresaids first had and obtained thereunto under the penalty of two thouſand pounds With power to the ſaid William Montgomery and George Linn and their foresaids and to any commiſsioned by them to prosecute the Contraveeners, It is hereby Declared that this present Act ſhall not ſtop or impede any person from bringing into this Kingdom dureing the time foresaid from abroad, any of the ſaid Lame Purslane and Earthen ware or to ſell the ſame as they could have done of before Nor ſhall this Act ſtop or impede the makeing of such course Earthen ware within this Kingdom as is in use at this present time to be made therein And Lastly Her Majestie with advice foresaid Revocks and Rescinds any act or gift for makeing the ſaid Lame Purslane or Earthen ware that hitherto hath not taken effect And further Declares that if the foresaid Undertakers ſhall not set up the ſaid Manufactory between and Lambmaſs one thousand ſeven hundred and five years, thir presents ſhall be thereafter of no force or effect.

ACT allowing the Importation of Wines and other Forreign Liquors.

13 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Statutes and Declares That it ſhall be lawfull from and after the date hereof to import into this Kingdom all ſorts of Wines and other Forreign Liquors any former Act or Statute in the contrary notwithstanding which her Majestie with advice and consent foresaid Rescinds and Declares void and null in so far as they are inconſiſtent with or contrare to this present Act, The said Wines or other liquors which ſhall be imported paying allwayes the former customes excise and other duties Reserveing to the Peers and Barons of the Kingdom the ſame immunities and freedoms from cuſtomes for wines which they had by the two hundreth fifty first Act fifteenth Parliament King James the Sixth.

THEN her Majesties High Commiſsioner made a Speech to the Parliament as follows.

My Lords and Gentlemen

The Commiſsioners Speech

WE have now past several good Acts for our Religion Liberty and Trade which I hope will be acceptable to all her Majesties good Subjects I wish you had also given the Supplies neceſsary for the maintaining of her Majesties forces and preserveing the peace and ſafety of the Kingdom But ſince I hope this may yet be done in due time, and that besides ſome Questions and difficulties are fallen that in all probability yow have no time to determine; And that withall it is fit Her Majestie ſhould have time to consider upon some things that have been laid before her And that we may know her mind therein more perfectly a ſhort receſs ſeems at present to be neceſsary, and that this Parliament be adjourned for ſome time; And therefore I have ordered my Lord Chancellour to adjourn this Parliament till the twelvth day of October next.

Adjournment

THE Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday the twelvth day of October next.

Apud Edinburgh,

VI DIE JULII, A. D. M,DCC,IV.

THE LAWS and ACTS of PARLIAMENT, made in the Second Seſsion of the first Parliament of Our most High and Dread Sovereign ANNE By the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and begun at Edinburgh the Sixth day of July One thousand ſeven hundreth and four years, by John Marquiſs of Tweedale Earl of Gifford Viscount of Walden Lord Hay of Yester, &c. Her Majesties High Commiſsioner for holding the same By vertue of a Commiſsion under the great seal of this Kingdom

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOUR

The Marqueſs of Annandale Lord President of ye Secret Council

The Duke of Athol Lord Privie Seal

DUKES of
Hamilton
Argyll

MARQUESSES of
Montrose
Lothian

EARLS of
Cromarty Secretar
Crauford
Erroll
Marischal
Southerland
Marr
Rothes
Buchan
Glencairn
Eglintoun
Caithneſs
Home
Wigtoun
Strathmore
Roxburgh
Kellie
Haddingtoun
Galloway
Lauderdale
Loudoun
Dalhoussie
Findlater
Leven
Selkirk
Northesk
Belcarras
Forfar
Kintoir
Aberdeen
Dunmoir
Melvill
Ruglen
March
Marchmont
Hindford
Stair
Roseberry
Glasgow
Bute
Hopetoun

VISCOUNTS of
Stormont
Teviot
Duplin
Garnock
Primrose

LORDS
Forbes
Saltoun
Semple
Roſs
Torphichen
Lundoirs
Balmerinoch
Blantyre
Burghleigh
Forrester
Frazer
Bargany
Elibank
Belhaven
Duffus
Rollo
Colvill
Bellenden
Kinnaird

LESSER OFFICERS OF STATE

The Lords Register
Advocat
Justice Clerk

COMMISSIONERS FROM THE BARRONS OF THE SEVERAL SHIRES

Edinburgh
- Robert Dundaſs of Arniestoun
- Sir Robert Dickson of Inueresk
- George Lockhart of Carnwath
- Sir James Foulis of Colingtoun

Haddingtoun
- Sir John Lauder of Fountainhall
- Andrew Fletcher of Saltoun
- William Nisbet of Dirletoun
- John Cockburn younger of Ormistoun

Berwick
- Sir Robert Sinclair of Longformacus
- Sir John Home of Blackadder
- Sir John Swintoun of that Ilk
- Sir Patrick Home of Rentoun

Roxburgh
- Sir William Ker of Greenhead
- Sir Gilbert Elliot of Headſhaw
- Archbald Douglaſs of Cavers
- William Bennet of Grubbet

Selkirk
- Mr John Murray of Bowhill
- Mr John Pringle of Haining

Peebles
- William Morison of Prestoungrange
- Alexander Horseburgh of that Ilk

Lanerk
- William Baillie of Lamingtoun
- George Baillie of Jerviswood
- John Sinclair of Stevenstoun
- James Hamilton of Aikenhead Absent

Dumfreis
- Sir John Johnstoun of Westerhall
- William Douglaſs of Dornock
- John Sharp of Hoddom
- Mr Alexander Ferguson of Isle

Wigtoun
- Mr William Steuart of Castlesteuart
- Mr John Steuart of Sorbie

Air
- Mr Francis Montgomery of Giffin
- Mr William Dalrymple of Glenmure
- Sir Hugh Cathcart of Carletoun
- John Birsbane younger of Biſhoptoun

Dumbartane
- Mr William Cochran of Kilmaronock
- Sir Humphray Colquhoun of Luſs

Bute
- Mr Robert Steuart of Tillicultrie
- John Steuart of Kinwhinlick

Renfrew
- Sir John Houstoun of that Ilk
- Mr John Steuart younger of Blackhall
- Sir Robert Pollock of that Ilk

Stirling
- John Grahame of Kilearn
- James Grahame of Buchlivie
- Robert Rollo of Powhouse

Linlithgow
- Thomas Sharp of Houstoun
- Mr John Montgomery of Wrae

Perth
- John Haldan of Gleneagles
- Sir Patrick Murray of Auchtertyre
- Mungo Grahame of Gorthie
- John Murray of Strowan

Kincardine
- Sir James Falconer of Phesdoe
- Sir Thomas Burnet of Leyes

Aberdeen
- Alexander Gordon of Pitlurg
- John Udney of that Ilk
- William Seton younger of Pitmedden
- James Moir of Stoniewood

Inverneſs
- Ludovick Grant of that Ilk
- Alexander Grant yor of that Ilk

Nairn
- Hugh Roſs of Kilraick
- John Forbes of Culloden

Cromarty
- Sir Kenneth Mackenzie
- Mr Æneas Mackleod of Cadboill

Argyle
- Mr John Campbell of Mammore
- Sir James Campbell of Auchinbreck
- James Campbell younger of Ardkinglaſs

Fyfe
- Sir William Anstruther of that Ilk
- David Bethun of Balfour
- Major Henry Balfour of Dunboug
- Robert Douglaſs of Stahendrie

Forfar
- Mr Patrick Lyon of Auchterhouſe
- Mr James Carnegie of Phinhaven
- James Haleburtoun of Pitcurr
- David Grahame younger of Fintrie

Bamf
- James Ogilvie younger of Boyne
- Alexander Duff of Bracoe

Stewartry of Kirkcudbright
- William Maxwell of Cardineſs

Southerland
- David Sutherland yor of Kinnauld
- Alexander Gordon of Gairthie

Caithneſs
- Sir George Sinclair of Clyth
- James Sinclair of Stempſter

Elgine
- James Broddie of that Ilk
- Sir Henry Innes yor of that Ilk

Stewartry of Orkney
- Sir Archbald Steuart of Burrow

Roſs
Kenneth Mackenzie of Scatwall
Kinroſs
John Bruce of Kinroſs

COMMISSIONERS FOR THE BURGHS

Edinburgh	Sir Patrick Johnstoun Robert Inglis
Perth	Alexander Robertson
Dundee	John Scrimſour
Aberdeen	John Allardice
Stirling	Lieut. Coll. John Erskine
Linlithgow	Walter Steuart
Saint Andrews	Alexander Watson
Glasgow	Hugh Montgomery
Air	John Muir
Haddingtoun	Alexander Edgar
Dysart	George Eaſsone
Kirkcaldie	James Oswald
Montrose	James Scot
Coupar	Patrick Bruce
Anstruther Easter	Sir John Anstruther
Dumfreis	Robert Johnstoun
Inverneſs	Alexander Duff
Burntisland	Sir John Erskine
Inuerkeithing	James Spittle
Kinghorn	Mr James Melvill
Breichen	Francis Molison
Irving	Mr Alexander Cunninghame
Jedburgh	Walter Scot
Kirkcudbright	Sir Andrew Home
Wigtoun	William Cultrane
Dumfermling	Sir James Halket
Pittenweem	George Smith
Selkirk	Robert Scot
Dumbartane	Sir James Smollet
Renfrew	Coline Campbell
Dunbar	Robert Kellie
Lanerk	Mr William Carmichael
Aberbrothock	John Hutchieson
Elgine	Mr William Southerland
Peebles	Archbald Shiells
Craill	George Moncrief
Tayne	Captain Daniel Macleod
Culroſs	Sir David Dalrymple
Bamf	Sir Alexander Ogilvie
Whiteherne	Mr John Clerk
Forfar	Mr John Lyon
Rothesay	Mr Dougald Steuart
Nairn	John Roſe
Forres	George Broddie
Rutherglen	George Spence
Northberwick	Sir Hugh Dalrymple
Anstruther Wester	Sir Robert Anstruther
Cullen	Mr Patrick Ogilvie
Lauder	Sir David Cunninghame
Kintoir	George Allardice
Annan	Mr William Johnstoun
Lochmebben	Mr John Carruthers
Sanquhar	William Alves
New Galloway	George Home
Kilreny	Mr James Bethun
Fortrose	Mr John Mackenzie Absent
Dingwall	John Bayne
Dornock	John Urquhart
Queensferry	Sir William Hamilton
Inverary	Daniel Campbell
Inverury	Sir Robert Forbes
Weick	Mr Robert Fraser
Kirkwall	Mr Robert Douglaſs
Inverbervy	Mr Alexander Arbuthnot
Stranrawer	Mr George Dalrymple
Campbeltoun	Mr Charles Campbell

PRAYERS ſaid.

HER Majeſties Commiſsion to John Marqueſs of Tweeddale for Representing her Royal person in this Seſsion of Parliament was Read by the Lord Clerk Register and ordered to be recorded, Whereof the tenor follows.

Commiſsion to John Marqueſs of Tweeddale for Repreſenting her Majeſtie in this Seſsion of Parliament

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ Nostræ pervenerint Salutem Quandoquidem Nos ob magni momenti rationes Secundam Seſsionem currentis nostri Parliamenti antiqui Regni nostri Scotiæ Apud Edinburgum primo die mensis Junii datam præsentium immediate ſequentis Convenire et Sedere Ordinavimus Et rerum nostrarum neceſsitatibus nos alio vocantibus dicti Parliamenti Conventui intereſse nequimus Ideoq; Commiſsionem nostram cuidam personæ eminentiſsimi ordinis ac fide eximia et præclaris animi dotibus imbuto ſacram nostram personam representandi et Regalem nostram authoritatem in eodem gerendi concedere Decrevimus Et satis Compertum habentes fidem intaminatam insignes facultates et experientiam fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Joannis Marchionis de Tweeddale Cujus etiam insignes animi dotes ipsum reddunt usquequaq; instructum pro eodem ſummo munere exercendo ac piis et regiis nostris propositis propogandis tam in promovendo commodo et intereſse dicti nostri antiqui Regni et in ecclesia et in republica quam in Ministerio nostro Noveritis Igitur Nos Dediſse et Conceſsiſse perq; præsentes hasce nostras literas Dare et Concedere prædilecto fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Joanni Marchioni de Tweddale plenam potestatem et Commiſsionem nostram, sacram nostram personam representandi et Regalem nostram authoritatem gerendi in sequenti ſecunda Seſsione antedicti currentis nostri Parliamenti prædicti Regni Et in re quavis alia ubicunq; de Ecclesiæ commodo firmanda pace, et politia dicti Regni nostra propaganda et ſervitio nostro promovendo tractandum

fuerit in universis ejusdem administrationibus tanquam Supremo Nostro Commiſsionario Dando et Concedendo dicto Joanni Marchioni de Tweeddale plenam potestatem et authoritatem nostram omnia et ſingula ad munus et imperium summi Commissionarii spectañ faciendi et peragendi tam plene adeoq; libere quoad omnes effectus et conditiones quam quilibet alius ejusdem ſummi muneris et Characteris regnantibus quibuscunq; nostrorum sereniſsimorum deceſsorum unquam fecerat ſeu facere potuerat Quæquidem omnia et ſingula in dicta hac Commiſsione prosequenda ab ipso facienda Nos firma et rata habemus et habituri ſumus Omnibus et Singulis Insuper Status nostri officialibus iisq; qui nobis ab *intimis Conciliis* Judicibus et Officiariis nostrarum Copiarum cæterisq; quibuscunq; Subditis dicti Regni nostri stricte Mandamus et Imperamus ut præfatum Joannem Marchionem de Tweeddale tanquam ſupremum nostrum Commiſsionarium ſacram nostram personam representantem et Regalem nostram authoritatem gerentem agnoscant Ipsiq; reverentiam et obsequium præbeant ad effectum et secundum normam in hac nostra Commiſsione præscriptam Quæquidem hæc Commiſsio a prædicto primo die mensis Junii ſequentis inclusive durante antedicta Seſsione Secunda Parliamenti nostri in vigore durabit Et usq; dum nobis placuerit eandem revocare In Cujus rei Testimonium præsentibus magnum Sigillum nostrum appendi mandavimus Apud Aulam Nostram de Saint James's ultimo die mensis Maii anno Domini millesimo ſeptingenteſimo quarto et anno Regni nostri tertio, Per Signaturam manu S. D. N. Reginæ ſuprascripť. Written to the great ſeal and Registrat the first day of June I^m^ vij^c^ and four. Sealed

ROLLS called.

Protestations for precedencie

THE Earl of Forfar Protested in name of the Duke of Douglaſs that the calling of any other in the Rolls of Parliament before him may not prejudge him of his first vote in Parliament.

THE Earl of Forfar protested also in name of the Earl of Sutherland against the calling any of the Earls before him in the rolls of Parliament.

THE Earl of Marr protested against the calling any Earls before him.

THE Earl of Eglintoun protested against the calling the Earl of Glencairn before him.

THE Earl of Findlater protested against the calling the Earl of Airlie before him.

THE Lord Roſs protested against the calling the Lord Elphinstoun before him.

HER Majesties gift and Commiſsion in favors of Mr James Johnstoun to be Clerk Register was read and ordered to be recorded Whereof the tenor follows.

Commission to James Johnstoun to be Lord Clerk Register

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nobis abunde ſatisfactum sit tam de fidelitate et præclaris animi dotibus et facultatibus quam de sincera integritate fideliſsimi et dilectiſsimi nostri Jacobi Johnstoun nuper Status nostri Secretarii pro antiquo Regno nostro Scotiæ ſpeciatim vero quod ad munus et officium Registrorum et Rotulorum nostrorum Clerici in dicto Regno nostro obeundum apprime sit instructus Noveritis Igitur Nos Nominaſse Contituiſse et ordinaſse sicuti Nos tenore præsentium Nominamus Constituimus et Ordinamus dictum Jacobum Johnstoun durante nostro beneplacito ſolummodo, nostrorum Registrorum et Rotulorum nostri Concilii et Seſsionis et Scaccarii nostri nec non omnium Commiſsionum Parliamentorum et Ordinum Conventuum in dicto nostro regno Clericum Dando Concedendo et Committendo illi idem munus et officium durante ſpatio antedicto Cum omnibus honoribus dignitatibus privilegiis proficuis immunitatibus et casualitatibus quibuscunq; eo spectantibus vel quæ de jure et praxi dicti Regni eo spectare dignoscentur Cum plena et absoluta potestate et authoritate illi durante beneplacito nostro ut prædicitur eligendi et conſtituendi clericos ſubstitutos vel deputatos unum vel plures in dictis officiis seu quavis earundem parte Idq; ad vitam talium ſubstitutorum ſeu deputatorum qui eorum officiis cum omnibus eorundem emolumentis durantibus omnibus eorum vitæ diebus respective potientur Ordinamus denique et authoritatem ipsi tribuimus omnia et ſingula præstare de lege et praxi hujus Regni nostri dicto officio competentia vel perprius a quovis alio in dicto officio præstita In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud Aulam nostram de Windsoir Secundo die mensis Junii anno Domini millesimo septingentesimo quarto et anno Regni nostri tertio. Per signaturam manu S. D. N. Reginæ ſuprascriptam Written to the great seal and regiſtrat the ſeventh day of June 1704, Sic ſubscribitur, Charles Kerr, Sealed at Edinburgh the Eight day of June One thousand ſeven hundreth and four years by special warrand till the ſeal be renewed Sic ſubscribitur Alex^r^ Ogilvie.

THEREAFTER the ſaid Lord Regiſter took the oath of alleadgeance and ſubscribed the ſamen with the Aſsurance and took the oath of Parliament

PATENT Creating the Marqueſs of Douglaſs, Duke of Douglaſs, read and ordered to be recorded, Whereof the tenor follows.

The Duke of Douglaſs's patent

ANNA Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos Regio Nostro animo Revolventes fideliſsimum et dilectiſsimum nostrum Consanguineum Archibaldum Marchionem de Douglaſs ex familia nobili et illustri ortum eſse et a progenitoribus qui maxima fiduciæ munia illis concredita immaculata virtute et ſingulari fide obierunt Quique ob res ab illis clariſsime gestas regium diadema tuendo ac ſustentando ſummis honoris ac dignitatis titulis per nostros regios deceſsores exornati fuerunt nos quoque hujus maxime memores et cupidi per ulteriorem honoris additionem dicto Archibaldo Marchioni de Douglaſs ejusq, heredibus postea mentionatis sibi animum addere ut nobiles ſuos prædeceſsores imitet Noveritis igitur nos Feciſse Constituiſse Creaſse et Inauguraſse sicuti tenore præsentium Facimus Constituimus Creamus et Inauguramus memoratum Archibaldum Marchionem de Douglaſs Ducem de Douglaſs Marchionem de Angus Comitem de Angus et Abernethie Vicecomitem de Jedburgh-forrest, Dominum Douglaſs de Buncle, Prestoun et Robertoun, Dando Concedendo et Conferendo sicuti tenore presentium Damus Concedimus et Conferimus prædicto Archibaldo Marchioni de Douglaſs et heredibus masculis ex ſuo corpore procreandis antedictum titulum honorem ordinem gradum et dignitatem Ducis Nec non Declaramus et Ordinamus præfatum Archibaldum Marchionem de Douglaſs ejusq, antedictos Duces de Douglaſs, Marchiones de Angus, Comites de Angus et Abernethie, Vicecomites de Jedburgh Forrest, Dominos Douglaſs de Buncle, Prestoun et Robertoun omni tempore futuro nominandos et designandos, omnesque immunitates, dignitates, præcedentiam prioritatem et ſuffragium in omnibus Parliamentis, Conciliis generalibus, Ordinum Conventibus aliisq, Congreſsibus quibuscunq, tam publicis quam privatis cum omnibus aliis prærogativis præheminentiis libertatibus et privilegiis quibuscunq, ad ullum alium in Regno nostro Scotiæ Ducem ſpectantibus aut ſpectare valentibus poſsidere et frui Tenendum et Habendum dictum titulum honorem ordinem dignitatem et gradum Ducis Cum omnibus et ſingulis prærogativis præeminentiis privilegiis præcedentiis et immunitatibus eo ſpectantibus præfato Marchioni nunc Duci de Douglaſs ejusq, antedictis de nobis nostrisq, illustriſsimis ſucceſsoribus in perpetuum tam plenarie adeoq, libere in omnibus respectibus et conditionibus quam ullus alius dicti Regni nostri Dux poſsidet ſeu poſsidere poterit Et Volumus et Concedimus et pro nobis nostrisq, illustriſsimis ſucceſsoribus Decernimus et Ordinamus hoc nostrum præsens diploma adeo validum efficax et ſufficiens fore dicto Archibaldo nunc Duci de Douglaſs ejusq, antedictis pro eorum fruitione et poſseſsione dicti tituli honoris ordinis dignitatis et gradus Ducis cum omnibus privilegiis eo ſpectantibus omni tempore futuro ac si adhibitis ſolennitatibus et ceremoniis ab antiquo usitatis et similibus occasionibus consuetis investitus et inauguratus fuisset Quocirca Dispensavimus tenoreq, præsentium in perpetuum Dispensamus Leoni porro Armorum Regi ac fratribus ſuis fæcialibus talia additamenta ſuo paludamento ut illi ac ipsis pro hac occasione conveniens videbitur concedere et præscribere imperamus Proviso omnimodo sicuti tenore præsentium expreſse providetur et declaratur quod Conceſsio et acceptatio hujus præsentis diplomatis antedicto Marchioni de Douglaſs nunc Duci de Douglaſs et heredibus masculis ex ſuo corpore nullatenus præjudicabit aut obnoxius erit Diplomatis ſuis prædeceſsoribus et heredibus inibi mentionatis perprius conceſsis de titulo et dignitate Marchionis de Douglaſs et aliorum titulorum et dignitatum inibi expreſs quæ (deficientibus heredibus masculis ex ſuo corpore) nullo modo per præsentes innovari aut præjudicari declarantur In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's decimo die mensis Aprilis anno Domini millesimo septingentesimo tertio et anno regni nostri secundo Per signaturam manu S. D. N. Reginæ ſuprascriptam. Written to the great Seal and registrat the twenty third day of September, 1703, Sic subscribitur Charles Kerr, Sealed at Edinburgh the twenty third day of September I^m vij^c and three years By special order till the seal be renewed Sic ſubscribitur Alex^r Ogilvie.

PATENT Creating the Marqueſs of Athol Lord Privie Seal Duke of Athol read and ordered to be recorded, Whereof the tenor follows.

The Duke of Athol's patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo revolventes fidem zelum et affectum prædilecti nostri Consanguinei et Conciliarii Joannis Marchionis de Athol Secreti Sigilli antiqui Regni nostri Scotiæ Custodis nobis nostroq, imperio Ipsumq, ex Regia Stewartorum Stirpe ortum eſse et familiam de Athol eſse inter nobiliſsimos et antiquiſsimos dicti Regni Scotiæ eamq, ob res clariſsime gestas nobis nostrisq, prædeceſsoribus per multa ſecula non solum ſummis honoris et dignitatis titulis verum etiam officiis et muniis maximæ fiduciæ exornatam fuiſse quæ ipsi ſingulari honore et immaculata fide semper obierunt et dictum Marchionem nobiliſsimo probiſsimo et generosiſsimo gestu ſuæ dictæ familiæ honorem et dignitatem

ſervaſse et auxiſse Et nos præsertim recolentes constantem fidem patris et avi dicti Marchionis Regio noſtro avo Carolo primo beatiſsimæ memoriæ in rebus ejus adversis et magna pericula et discrimina quibus se suaq, patrimonia hac de causa objecerunt Et Statuentes hisce et multis aliis de causis et considerationibus ſensum nostrum et estimationem fidelitatis et clariſsimarum rerum gestarum dictæ familiæ declarare et patefacere conferendo et concedendo dicto Joanni Marchioni de Atholl ejusq, heredibus inframentionatis ulteriorem honoris et dignitatis additionem quo ipsi magis nobis nostrisq, ſucceſsoribus in talibus muniis et officiis quæ ipsis aut concredita ſunt aut concredi poſsunt servire excitentur et animentur Noveritis Igitur nos Feciſse Constituiſse Creaſse et Inauguraſse Sicuti tenore præsentium Facimus Constituimus Creamus et Inauguramus memoratum Joannem Marchionem de Athol, Ducem de Atholl Marchionem de Tullibardine Comitem de Straithtay et Straithardle, Vicecomitem de Balquhidder, Glenalmond et Glenlyon et Dominum Murray Balveny et Gask, Dando Concedendo et Conferendo sicuti tenore præsentium Damus Concedimus et Conferimus prædicto Joanni Marchioni de Atholl et heredibus masculis de ſuo corpore quibus deficientibus heredibus masculis de Corpore defuncti Joannis Marchionis de Atholl ſui patris dictum titulum honorem ordinem gradum et dignitatem Ducis Nec non Declaramus et Ordinamus prædictum Joannem Marchionem de Atholl et heredes masculos de ſuo corpore aliosq, heredes ſupra mentionatos Duces de Atholl Marchiones de Tullibardine Comites de Straithtay et Strathardell, Vicecomites de Balquhidder Glenalmond et Glenlyon et Dominos Murray Balvenie et Gask omni tempore futuro nominandos et deſignandos omnesq, immunitates dignitates et præcedentias prioritatem et ſuffragium in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis omnibusq, aliis Congreſsibus quibuscunq, tam publicis quam privatis cum omnibus prærogativis præeminentiis præcedentiis libertatibus et privilegiis quibuscunq, ad ullum alium Ducem in dicto Regno nostro Scotiæ spectantibus ſeu spectare valentibus poſsideri et frui Tenendum et Habendum dictum titulum honorem ordinem dignitatem et gradum Ducis cum omnibus et ſingulis prærogativis præeminentiis præcedentiis et privilegiis eo spectantibus præfato Joanni Marchioni de Atholl nunc Duci de Atholl heredibusq, masculis ex ſuo corpore aliisq, heredibus ſupramentionatis de nobis nostrisq, Regiis ſucceſsoribus in perpetuum tam plenarie adeoq, libere in omnibus respectibus quam ullus alius dicti Regni nostri Dux poſsidet ſeu poſsidere poterit Et Volumus et Concedimus et pro nobis nostrisq, Regiis Succeſsoribus Decernimus et Ordinamus hoc nostrum præsens Diploma adeo validum efficax et ſufficiens fore dicto Joanni nunc Duci de Atholl ejusq, prædictis pro eorum fruitione et poſseſsione dicti tituli honoris ordinis et dignitatis Ducis cum omnibus privilegiis eo spectantibus omni tempore futuro ac si adhibitis ſolennitatibus et ceremoniis ab antiquo usitatis et ſimilibus occasionibus consuetis investitus et inauguratus fuisset Quocirca nos dispensavimus tenoreq, præsentium in perpetuum Dispensamus Leoni porro armorum Regi ſuisq, fratribus fœcialibus talia additamenta ſuo paludamento ut ipsis pro hac occasione expediens et conveniens videbitur concedere et præscribere Imperamus In cujus rei Teſtimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud aulam nostram de Windsoir castle Tricesimo die mensis Junii anno Domini Millesimo ſeptingentesimo tertio et anno regni nostri ſecundo. Per signaturam manu S. D. N. Reginæ ſuprascriptam. Written to the great ſeal and registrat the twenty fourth day of September, 1703, Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of September One thousand ſeven hundreth and three years By special order till the ſeal be renewed Sic ſubscribitur Alex' Ogilvie.

PATENT Creating the Viscount of Tarbat Lord Secretary Earl of Cromarty read and ordered to be recorded, Whereof the tenor follows.

The Earl of Cromarties patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, Defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelitatem continuam et affectum fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Georgii Vicecomitis de Tarbat nostri principalis Status Secretarii pro antiquo regno nostro Scotiæ erga nostram personam et regimen Et quod diversis insigniis muneribus et stationibus a quinq, nostrorum Regiorum prædeceſsorum ipsi concreditis ſummo cum honore et fidelitate functus sit Ob hasce igitur et perplurimas alias considerationes quendam Regiæ nostræ gratiæ characterem in eundem Georgium Vicecomitem de Tarbat conferre benigne Statuimus ut sibi et ſuæ familiæ durabilis fiat additio honoris Noveritis Igitur nos Feciſse Constituiſse et Creaſse sicuti per has nostras patentes literas Facimus Constituimus et Creamus dictum Georgium Vicecomitem de Tarbat Comitem de Cromarty Vicecomitem de Tarbat Dominum Mackleod et Castlehaven infra dictum Regnum Dando Concedendo et Conferendo prænominato Georgio Vicecomiti de Tarbat et heredibus ſuis masculis et talliæ titulum honorem dignitatem et gradum Comitis cum omnibus et ſingulis præeminentiis prærogativis privilegiis et immunitatibus quibuscunq, eo spectantibus Quibuscum nos præfatum Georgium Vicecomitem de Tarbat ejusq, prædicť omni tempore futuro per præsentes Nobilitamus et Investimus Tenendum et Habendum prædictum titulum honorem dignitatem et

gradum Comitis Vicecomitis et Domini Cum universis et singulis prærogativis præcedentiis præeminentiis et privilegiis suprascript per eundem Georgium Vicecomitem de Tarbat ejusq, antedictos de nobis nostrisq, Regiis fucceſsoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisq, Congreſsibus quibuscunq, publicis ſeu privatis in dicto Regno nostro tam plenarie et libere in quovis respectu et conditione quam quivis alius Comes, Vicecomes et Dominus simili titulo honore et dignitate perprius gavisus est ſeu quovis tempore præterito præsenti vel futuro gaudere poterit Leoni porro Armorum Regi ejusq, fratribus fæcialibus Imperamus ut præfato Georgio Vicecomiti de Tarbat nunc Comiti de Cromartie talia prioribus insigniis ejus gentilitiis additamenta qualia ipsi illisq, hac occasione convenieñ videbuntur dent et præscribant Ordinañ et Declarañ hasce nostras patentes literas magno nostro ſigillo munitas adeo validas efficaces et ſufficientes fore illi ejusq, antedictis pro poſsidendo prædicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq, eo spectantibus ac si cum omnibus ritibus et ſolennitatibus similibus occasionibus perprius usitatis ille ejusq, prædicti investiti et inaugurati eſsent Quocirca Dispensavimus perq, presentes in perpetuum dispensamus In cujus rei testimonium præsentibus magnum Sigillum nostrum appendi præcepimus Apud Aulam nostram de St James's primo die mensis Januarii anno Domini millesimo ſeptingentesimo tertio et anno Regni nostri primo, Per ſignaturam manu S. D. N. Reginæ ſuprascriptam Written to the great Seal and registrat the Eighteenth day of September, 1703, Sic ſubscribitur Charles Kerr, Sealed at Edinburgh the eighteenth day of September One thousand ſeven hundreth and three years By special order till the Seal be renewed, Sic subscribitur Alex[r] Ogilvie.

PATENT Creating the Viscount of Stair, Earl of Stair, read and ordered to be recorded, Whereof the tenor follows.

The Earl of Stair's patent

ANNA Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes egregia vera et præclara admodum ſervitia nobis nostrisq, Regiis progenitoribus per fideliſsimum et dilectiſsimum nostrum Consanguineum et Conciliarium Joannem Vicecomitem de Stair ejusq, prædeceſsores præstita atq, zelum ejus et affectum erga nostram personam et regimen per eum ejusq, familiam omnibus occasionibus expreſs Ob hasce igitur et perplurimas alias considerationes quendam Regiæ nostræ gratiæ characterem in eundem Joannem Vicecomitem de Stair Conferre benigne Statuimus ut sibi et ſuæ familiæ durabilis fiat additio honoris Noveritis Igitur nos Feciſse Conſtituiſse et Creaſse sicuti nos tenore præsentium Facimus Constituimus et Creamus dictum Joannem Vicecomitem de Stair Comitem de Stair Vicecomitem de Dalrymple et Dominum de Newliston Glenluce et Stranrawer, Dando, Concedendo et Conferendo in memoratum Joannem Vicecomitem de Stair et heredes masculos ſui corporis Quibus deficientibus heredes masculos defuncti Jacobi Vicecomitis de Stair titulum honorem gradum et dignitatem Comitis cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiis et immunitatibus quibuscunq, eo spectantibus Quibuscum nos præfatum Joannem Vicecomitem de Stair ejusq, prædictos omni tempore futuro per præsentes Nobilitamus et Investimus Tenendum et Habendum prædictum titulum gradum et dignitatem Comitis Vicecomitis et Domini cum omnibus et ſingulis prærogativis præeminentiis præcedentiis et privilegiis antedictis per eundem Joannem Vicecomitem de Stair ejusq, prædictos de nobis nostrisq, Regiis fucceſsoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus aliisq, Congreſsibus quibuscunq, publicis ſeu privatis in dicto Regno nostro tam plenarie et libere in quòvis respectu et conditione quam quivis alius Comes Vicecomes et Dominus ſimili titulo honore et dignitate perprius gaviſus est ſeu quovis tempore præterito præsenti vel futuro potiri poterit Leoni porro Armorum Regi ejusq, fratribus fæcialibus Imperamus ut præfato Joanni Vicecomiti de Stair nunc Comiti de Stair talia prioribus insigniis ejus gentilitiis additamenta qualia ſibi illisq, hac occasione convenientia videbuntur Dent et Præscribant Ordinañ et Declarañ hasce nostras patentes literas magno nostro ſigillo munitas adeo validas et efficaces fore illi ejusq, antedictis pro poſsidendo prædicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq, eo attinentibus ac si ille ejusq, prædicti omnibus ritibus et ſolennitatibus ſimilibus occaſionibus perprius usitatis Investiti et Inaugurati eſsent Quocirca dispensavimus perq, præsentes pro nobis nostrisq, fucceſsoribus in perpetuum Dispenſamus In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's Octavo die mensis Aprilis anno Domini millesimo septingentesimo tertio Et anno regni nostri secundo, Per signaturam Manu S. D. N. Reginæ ſuprascriptam. Written to the great ſeal and Registrat the twenty third day of September I[m] vije and three, Sic ſubscribitur
Sealed at

PATENT Creating the Viscount of Roseberry, Earl of Roseberry, read and ordered to be recorded, Whereof the tenor follows.

The Earl of Roseberries patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis

hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelia servitia per fidelissimum et dilectissimum nostrum Consanguineum et Conciliarium Archibaldum Vicecomitem de Roseberrie nobis præstita atq, zelum ejus et affectum erga nostram personam et regimen per eum omnibus occasionibus express Ob hasce igitur et perplurimas alias magni momenti rationes quendam Regiæ nostræ gratiæ characterem in eundem Archibaldum Vicecomitem de Roseberrie conferre benigne statuimus ut sibi et suæ familiæ durabilis fiat additio honoris Noveritis Igitur nos Feciſse Constituiſse et Creaſse sicuti Nos tenore præsentium Facimus Constituimus et Creamus dictum Archibaldum Vicecomitem de Roseberry Comitem de Roseberry Vicecomitem de Inuerkeithing et Dominum Dumenie et Primrose Dando Conferendo et Concedendo in memoratum Archibaldum Vicecomitem de Roseberry et heredes masculos ſui corporis Quibus deficientibus heredes femellas ſui Corporis titulum honorem gradum et dignitatem Comitis Cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiis et immunitatibus quibuscunq, eo spectantibus Quibuscum nos præfatum Archibaldum Vicecomitem de Roseberry ejusq, prædictos omni tempore futuro per præſentes Nobilitamus et Investimus, Tenendum et Habendum prædictum titulum gradum et dignitatem Comitis Vicecomitis et Domini cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiisq, antedictis per eundem Archibaldum Vicecomitem de Roseberry ejusq, prædictos de nobis nostrisq, Regiis ſucceſsoribus in omnibus Parliamentis Ordinum Conventibus Conciliisq, generalibus aliisq, Congreſsibus quibuscunq, publicis ſeu privatis in dicto regno nostro tam plenarie et libere in quovis respectu et conditione quam quivis alius Comes Vicecomes et Dominus ſimili titulo honore et dignitate perprius potitus eſt ſeu quovis tempore præterito præsenti vel futuro potiri poterit Leoni porro Armorum Regi ejusq, fratribus fæcialibus Imperamus ut præfato Archibaldo Vicecomiti de Roseberry nunc Comiti de Roseberry talia priorĩbus insigniis ejus gentilitiis additamenta qualia ipsi illisq, hac occasione convenientia videbuntur dent et præscribant Ordinando et Declarando hasce nostras patentes literas magno nostro ſigillo munitas adeo validas et efficaces fore illi ejusq, antedictis pro fruendo antedicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq, eo attinentibus ac si ille ejusq, prædicti omnibus ritibus et ſolennitatibus ſimilibus occaſionibus perprius usitatis Investiti et Inaugurati eſsent Quocirca Dispensavimus perq, præſentes pro nobis nostrisq, ſucceſsoribus in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnum Sigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's decimo die mensis Aprilis anno Domĩno millesimo ſeptingentesimo tertio et anno Regni nostri ſecundo Per signaturam manu S. D. N. Reginæ ſuprascripť. Written to the great ſeal and registrat the twenty fourth day of September, 1703, Sic ſubscribitur Charles Kerr, Sealed at Edinburgh the twenty fourth day of September I^mo vij^c^ and three years by ſpecial order till the ſeal be renewed Sic ſubscribitur Alex^r^ Ogilvie.

PATENT creating the Lord Boyle, Earl of Glasgow, read and ordered to be recorded, Whereof the tenor follows.

The Earl of Glasgow's patent

ANNA Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelitatem continuam et affectum fidelissimi et dilectissimi nostri Conciliarii Davidis Domini Boyle nostri Thesaurarii deputati pro antiquo Regno nostro Scotiæ Et quod diversis muneribus et ſtationibus ſibi concreditis ſummo cum honore et fidelitate functus est Et nos hujus maxime consciæ quendam Regiæ nostræ gratiæ characterem in ipſum conferre ſtatuentes ut ſibi et ſuæ familiæ durabilis fiat additio honoris Noveritis Igitur nos Feciſse Constituiſse et Creaſse sicuti per has nostras patentes literas Facimus Constituimus et Creamus dictum Davidem Dominum Boyle Comitem de Glasgow Vicecomitem de Kelburn dominum Boyle de Steuartoun Cambra, Finnick, Largs et Dalry, Dando Concedendo et Conferendo prænominato Davidi Domino Boyle et heredibus ſuis masculis quibuscunq, titulum honorem dignitatem et gradum Comitis Cum omnibus et ſingulis prærogativis præeminentiis præcedentiis et privilegiis quibuscunq, eo spectantibus Quibuscum nos præfatum Davidem Dominum Boyle ejusq, antedictos omni tempore futuro Nobilitamus et Investimus Tenendum et Habendum dictum titulum honorem gradum et dignitatem Comitis Vicecomitis et Domini Cum universis et ſingulis prærogativis præeminentiis præcedentiis et privilegiis antedictis per eundem Davidem Dominum Boyle ejusq, antedictos de nobis nostrisq, Regiis ſucceſsoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisq, Congreſsibus quibuscunq, publicis ſeu privatis in dicto Regno noſtro tam plenarie adeoq, libere in quovis respectu et conditione quam quivis alius Comes, Vicecomes aut liber parliamenti Dominus ſimili titulo honore et dignitate gaviſus est ſeu quovis tempore præterito præſenti vel futuro gaudere poterit Leoni porro Armorum Regi ejusq, fratribus fæcialibus Imperamus ut præfato Davidi Domino Boyle nunc Comiti de Glaſgow talia prioribus ejus insigniis gentilitiis additamenta qualia ipsi illisq, hac occaſione convenientia videbuntur dent et præscribant Et Ordinamus et Declaramus hasce nostras patentes literas magno nostro ſigillo munitas adeo validas

efficaces et ſufficientes fore illi ejusq, antedictis pro poſsidendo prædicto titulo honore dignitate et gradu Cum omnibus privilegiis aliisq, eo spectantibus ac si cum omnibus ritibus et ſolennitatibus ſimilibus occasionibus perprius usitatis Ille ejusq, prædicti Investiti et Inaugurati eſsent Quocirca Dispensavimus perq, præsentes in perpetuum Dispenſamus In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud Aulam nostram de Saint James's duodecimo die mensis Aprilis anno Domini milleſimo ſeptingentesimo tertio et anno Regni nostri ſecundo Per signaturam manu S. D. N. reginæ ſuprascript. Written to the great ſeal and registrat the twenty fifth day of September 1703, Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the twenty fifth day of September One thousand ſeven hundreth and three years by special order till the ſeal be renewed Sic ſubscribitur Alex^r Ogilvie.

PATENT Creating Sir James Steuart of Bute Earl of Bute read and ordered to be recorded, Whereof the tenor follows.

The Earl of Bute's patent

ANNA Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos considerantes perplurima egregia ſervitia per fideliſsimum et dilectiſsimum nostrum Conciliarium Dominum Jacobum Steuart de Bute præstita et impenſa Nec non perpendentes continuam fiduciam firmam adhæsionem et præclara ſervitia per antiquam familiam Steuartorum de Bute (cujus nunc personam gerit) nobis nostrisq, Regiis prædeceſsoribus facta et præstita Ob hasce igitur et diversas alias causas et considerationes insignem et durabilem Regiæ nostræ favoris teſseram in eundem Dominum Jacobum Steuart ejusq, heredes ſubscriptos conferre et impendere benigne ſtatuimus Quo ipse et illi omnibus occasionibus nobis nostrisq, Regiis ſucceſsoribus munia majoris momenti ſubire et præstare magis incitentur et animentur Noveritis Igitur Nos Feciſse Constituiſse et Creaſse sicuti nos per has nostras patentes literas Facimus Constituimus et Creamus dictum Dominum Jacobum Steuart Comitem Vicecomitem et Liberum Parliamenti Dominum dicti nostri Regni intitulandum et deſignandum Comitem de Bute, Vicecomitem de Kingarth, et Dominum Mont-Steuart, Cumbra, et Inchmarnock omni tempore futuro Dando Concedendo et Conferendo prænominato Domino Jacobo Steuart et heredibus ſuis maſculis quibuscunq, titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parliamenti Domini ut dictum est Cum plenaria admodum potestate et authoritate Illi ejusq, antedictis eundem cum omnibus et ſingulis prærogativis præcedentiis præeminentiis et privilegiis eo spectantibus poſsidere et frui Quibuscum nos eundem Dominum Jacobum Steuart ejusq, antedictos Nobilitamus et Investimus Speciatim vero cum libero ſuffragio in parliamento Tenendum dictum titulum honorem ordinem dignitatem et gradum Comitis, Vicecomitis et liberi parliamenti Domini Cum omnibus prærogativis præeminentiis et privilegiis eo spectantibus per eundem Dominum Jacobum Steuart ejusq, antedictos de nobis nostrisq, Regiis ſucceſsoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisq, Congreſsibus quibuscunq, publicis ſeu privatis in dicto Regno nostro tam plenarie adeoq, libere in omnibus respectibus quam quivis alius Comes Vicecomes et liber parliamenti Dominus ſimili titulo honore et dignitate cum universis privilegiis aliisq, eo spectantibus usus et gavisus eſt seu quovis tempore præterito præsenti vel futuro uti et gaudere poterit Leoni porro Armorum Regi ejusq, fratribus fœcialibus Imperamus ut præfato Domino Jacobo Steuart nunc Comiti de Bute talia prioribus insigniis ejus gentilitiis additamenta qualia hac occasione expediens et conveniens videbitur dent et præſcribant Et declaramus et ordinamus hasce nostras patentes literas magno nostro ſigillo munitas adeo validas et efficaces fore dicto Domino Jacobo Steuart ejusq, antedictis pro poſsidendo prædicto titulo honore et dignitate ac si cum omnibus ritibus et ſolennitatibus ſimilibus occasionibus perprius usitatis Ille ejusq, prædicti Investiti et Inaugurati eſsent Quocirca Dispensavimus perq, præsentes in perpetuum Dispensamus In cujus rei Teſtimonium præsentibus magnum Sigillum nostrum Appendi Præcepimus Apud aulam nostram de Saint James's decimo quarto die mensis Aprilis Anno Domini Millesimo septingentesimo tertio et anno Regni nostri secundo, Per signaturam manu S. D. N. Reginæ supraſcriptam; Written to the great Seal and reg^r at the thirtieth day of September, 1703, Sic ſubscribitur Charles Kerr, Sealed at Edinburgh the thirtieth day of September I^{mo} vije^{a} and three years by ſpecial order till the ſeal be renewed, Sic ſubſcribitur Alex^r Ogilbie.

PATENT Creating Charles Hope of Hopetoun, Earl of Hopetoun, read, and ordered to be recorded, Whereof the tenor follows.

The Earl of Hopetoun's patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes præclara et fidelia admodum ſervitia per anteceſsores fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Caroli Hope de Hopetoun nobis nostrisq, Regiis prædeceſsoribus præstita et peracta per quos maximæ fiduciæ et dignitatis muniis concrediti erant ac insignem utilitatem antiquo nostro Regno Scotiæ eorum

diligentia accrescentem Inveniendo et Promovendo ibidem fodinas plumbeas quibus multi indigentes occupati et sustentati sunt Atq, etiam Considerantes eundem Carolum Hope testimonium suæ probitatis et affectionis erga nostram personam et regimen omnibus occasionibus dedisse Ob hasce igitur et perplurimas alias magni momenti rationes insignem et durabilem characterem Regii nostri favoris in dictum Carolum Hope de Hopetoun et heredes masculos de suo corpore quibus deficieñ heredes femellas sui corporis conferre et concedere apud nos benigne statuimus Quo vero ille illiq, magni momenti servitia nobis nostrisq, succesoribus præstare in futurum magis animentur et excitentur Noveritis Igitur nos Fecisse Constituisse et Creasse sicuti nos tenore præsentium Facimus Constituimus et Creamus dictum Carolum Hope Comitem Vicecomitem et liberum parliamenti Dominum in dicto antiquo Regno Scotiæ Comitem de Hopetoun, Vicecomitem de Aithrie et Dominum Hope omni tempore futuro appellandum et designandum Dando Concedendo et Conferendo in præfatum Carolum Hope ejusq, heredes masculos de suo corpore quibus deficieñ heredes femellas sui corporis titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parliamenti Domini ut prædicitur Cum plena potestate commissione et authoritate illi ejusq, prædictis possidendi et gaudendi eodem cum omnibus et singulis prærogativis præeminentiis precedentiis et privilegiis eo attinentibus quibuscum nos tenore præsentium eundem Carolum Hope ejusq, prædictos speciatim vero cum libero suffragio Parliamenti Investimus et Nobilitamus Tenend et Habend prædicť titulum honorem gradum dignitatem et ordinem Comitis Vicecomitis et liberi parliamenti Domini cum omnibus prærogativis præeminentiis præcedentiis et privilegiis eo spectantibus per dictum Carolum Hope ejusq, prædictos de nobis nostrisq, Regiis succesoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus aliisq, publicis et privatis Congressibus in dicto Regno tam plenarie adeoq, libere in quovis respectu ac quivis alius Comes Vicecomes et liber parliamenti Dominus simili titulo honore et dignitate perprius gavisus est seu quovis tempore præterito præsenti vel futuro potiri poterit Leoni porro armorum Regi ejusq, fratribus fœcialibus Imperamus ut præfato Carolo Hope de Hopetoun nunc Comiti de Hopetoun talia prioribus insigniis ejus gentilitiis additamenta qualia ipsi illisq, hac occasione convenientia videbuntur Dent et Præscribant Ordinañ et Declarañ hasce nostras patentes literas magno nostro sigillo munitas adeo validas et efficaces fore illi ejusq, antedictis pro possidendo prædicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq, eo attinentibus ac si ille ejusq, prædicť omnibus ritibus et solennitatibus similibus occasionibus perprius usitatis Investiti et Inaugurati essent Quocirca Dispensavimus perq, præsentes pro Nobis nostrisq, Successoribus in perpetuum Dispensamus In Cujus rei Testimonium præsentibus magnum sigillum nostrum appendi præcepimus Apud Aulam nostram de Saint James's decimo quinto die mensis Aprilis anno Domini millesimo septingentesimo tertio et anno regni nostri secundo. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great seal and registrat

PATENT Creating John Crauford of Kilbirnie Viscount of Garnock, read and ordered to be recorded, Whereof the tenor follows.

The Viscount of Garnock's patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos perpendentes egregia et permulta servitia per fidelissimum et prædilectum nostrum Conciliarium Joannem Crauford de Kilbirnie præstita et impensa Nec non Considerantes tempestivam suam et fervidam præsentiam pro Religionis reformatæ Commodo et hujus Regni nostri Scotiæ libertatibus dum nuper fælicissima erat revolutio, Atq, etiam permulta et insignia officia per prædecessores ejus Craufordios de Kilbirnie pro coronæ nostræ et monarchiæ sustentatione peracta Ob hasce Igitur et diversas alias magni momenti causas et rationes quendam Regiæ nostræ favoris et gratiæ teseram in eundem Joannem Crauford de Kilbirnie et heredes suos subscriptos conferre statuimus Quo ipsi animentur et in posterum validiores reddantur singulis occasionibus nobis sereniss imisq, nostris successoribus officia magis insignia subire et præstare Noveritis Igitur Nos Fecisse Nominasse et Creasse Sicuti per hasce patentes literas nostras Facimus Nominamus et Creamus dictum Joannem Crawford Vicecomitem et liberum Parliamenti Dominum infra dictum Regnum nostrum Vicecomitem de Garnock et Dominum Kilbirnie Kingsburn et Drumry omni tempore futuro appellandum et designandum Dando Concedendo et Conferendo prænominato Joanni Crauford et heredibus masculis sui corporis Quibus deficientibus aliis propinquioribus heredibus suis masculis Titulum honorem gradum et dignitatem Vicecomitis et liberi Parliamenti Domini ut dictum est Cum plenaria admodum potestate privilegio et authoritate illi ejusq, antedictis eundem titulum Cum omnibus et singulis prærogativis præcedentiis præeminentiis privilegiis et immunitatibus eo spectantibus possidere gaudere et frui quibuscum nos eundem Joannem Crauford ejusq, antedictos Nobilitamus et Investimus Speciatim vero cum libero suffragio in Parliamento Tenendum et Habendum dictum titulum honorem gradum et dignitatem Vicecomitis et liberi Parliamenti Domini cum universis et singulis prærogativis præcedentiis præeminentiis privilegiis et immunitatibus eo spectantibus per eundem Joannem Crauford ejusq, antedictos de nobis nostrisq, suc-

ceſsoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisq; Congreſsibus in dicto antiquo regno nostro publicis ſeu privatis tam plenarie adeoq; libere in quovis respectu et conditione quam quivis alius Vicecomes et liber Parliamenti Dominus ſimili titulo honore et dignitate Cum univerſis privilegiis eo spectantibus usus et gavisus eſt ſeu quovis tempore futuro uti et gaudere poterit Leoni porro Armorum Regi ejusq; fratribus fœcialibus Imperamus ut præfato Joanni Crauford nunc Vicecomiti de Garnock et Domino Kilbirnie Kingsburn et Drumry talia insignia gentilitia vel prioribus suis additamenta per se suosq; prædictos utenda qualia ipsi illisq; expedientia et convenientia videbuntur et ſimilibus occasionibus usitata dent et præscribant Et Declaramus hasce nostras patentes literas magno nostro ſigillo munitas adeo validas sufficientes et efficaces fore dicto Joanni Crauford ſuisq; antedictis pro fruendo prædicto titulo honore dignitate et gradu Vicecomitis et liberi Parliamenti Domini Cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiis et immunitatibus quibuscunq; eo spectantibus ac si cum omnibus ritibus et ſolennitatibus similibus occasionibus perprius usitatis ille ejusq; prædicti investiti et inaugurati eſsent Quocirca Dispensavimus perq; præsentes in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi præcepimus Apud Aulam nostram de Saint James's Vigesimo sexto die mensis Novembris anno Domini millesimo ſeptingentesimo tertio et anno regni nostri ſecundo. Per Signaturam manu S. D. N. Reginæ ſuprascriptam. Written to the great ſeal and regrat the fourteenth day of December 1703, Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the fourteenth day of December one thousand ſeven hundreth and three years by ſpecial order till the Seal be renewed In absence of Sir Alexander Ogilvie of Forglen Sic ſubscribitur Jo: Stewart Dep^{t}.

PATENT Creating Sir James Primrose of Carringtoun, Viscount of Primrose, read and ordered to be recorded, Whereof the tenor follows.

The Viscount of Primrose's patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes permulta præclara et utilia ſervitia nostro avo Carolo primo et patruo Carolo secundo Regibus per quondam Dominum Archibaldum Primrose de Caringtoun militem Baronettum præstita et impensa in respectivis muniis et officiis publicis sibi concreditis Qui vero durante rebellione et usurpatione (in suum particulare damnum et detrimentum) pro familia Regia eminenter apparuit et post restaurationem fœliciſsimam in ſummo munere et officio Clerici et omnium archivorum et rotulorum custodis infra dictum antiquum Regnum nostrum Scotiæ Et deniq; in officio et munere Justiciarii Generalis Quibus ambobus dictis muniis fideliſsime functus est Et in omnibus eo spectantibus grata admodum ſervitia præstitit Nosq; abunde ſatisfactæ de fidelitate et probitate defuncti Domini Gulielmi Primrose de Caringtoun ejus filii legittimi natu maximi et Domini Jacobi Primrose de Caringtoun sui Nepotis Ob hasce Igitur aliasq; magni momenti rationes insignem et durabilem Regii nostri favoris characterem in familiam præfati quondam Domini Archibaldi Primrose in persona memorati Domini Jacobi Primrose sui nepotis heredis legittimi et representativi ac de ſuo corpore heredis masculi Quibus deficieñ heredis masculi de corpore prædicti quondam Domini Gulielmi Primrose ſui patris Conferre benigniter Statuimus Quo vero ille illiq; nobis nostrisq; ſucceſsoribus ſervitia notatu digniora præstare in posterum magis animentur et incitentur Noveritis Igitur Nos Nominaſse Feciſse Constituiſse et Creaſse sicuti Nos (in quibus omnes honores et dignitates in dominiis nostris resident et a quibus originem ducunt et in eos de nobis bene meritos benigniter permanant) tenore præsentium Nominamus Facimus Constituimus et Creamus eundem Dominum Jacobum Primrose de Caringtoun Vicecomitem et liberum Parliamenti Dominum in dicto Regno appellandum et designandum Vicecomitem de Primrose et Dominum Primrose et Castlefield Dando Concedendo et Conferendo in præfatum Dominum Jacobum Primrose ejusq; heredem masculum sui corporis Quibus deficieñ heredem masculum prædicti quondam Domini Gulielmi Primrose ſui patris titulum dignitatem designationem gradum et honorem Vicecomitis et liberi Parliamenti Domini ut prædicitur Cum plena admodum potestate commiſsione et authoritate illi ejusq; antedictis eodem frui et gaudere una cum omnibus et ſingulis prærogativis præeminentiis præcedentiis privilegiis libertatibus et immunitatibus quibuſcunq; eo spectantibus quibuscum nos per præsentes dictum Dominum Jacobum Primrose ejusq; prædictos Nobilitamus et Inauguramus Et particulariter cum libero in Parliamento ſuffragio Tenendum et Habendum antedictum titulum designationem gradum dignitatem et honorem Vicecomitis et liberi Parliamenti Domini cum omnibus et ſingulis prærogativis præcedentiis præeminentiis privilegiis immunitatibus aliisq; quibuscunq; eo spectantibus per dictum Dominum Jacobum Primrose ejusq; antedictos de nobis nostrisq; Regiis ſucceſsoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus aliisq; Congreſsibus quibuscunq; tam publicis quam privatis infra dictum Regnum nostrum tam plenarie adeoq; libere in quovis respectu et conditione ac quivis alius Vicecomes et liber Parliamenti Dominus potitus et gavisus est ſeu pradicto titulo designatione gradu dignitate et honore cum universis privilegiis aliisq; quibuscunq; eo spectantibus quovis tempore præ-

terito præsenti seu futuro potiri et gaudere poterit Leoni porro armorum Regi ejusq, fratribus fæcialibus præfato Domino Jacobo Primrose nunc Vicecomiti de Primrose talia insignia armorea qualia huic occasioni convenientia et congrua videbuntur dare et præscribere Imperamus Ordinañ et Declarañ hasce nostras patentes literas magno nostro sigillo munitas adeo validas efficaces et sufficientes fore prædicto Domino Jacobo Primrose ejusq, prædictis pro possidendo dicto titulo designatione ordine dignitate et honore Vicecomitis et liberi Parliamenti Domini Cum singulis prærogativis præeminentiis præcedentiis immunitatibus et privilegiis eo spectantibus ac si ille illiq, omnibus ritibus et solennitatibus similibus occasionibus perprius usitatis investiti et inaugurati essent Quocirca Dispensavimus perq, præsentes pro nobis nostrisq, succesoribus in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnum sigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's trigesimo die mensis Novembris anno Domini millesimo septingentesimo tertio et anno Regni nostri secundo. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great seal and registrat

[Oath of alleadgence taken]

THE Duke of Argyll, the Earls of Glencairn Bute and Hopetoun the Viscounts of Dupline Garnock and Primrose with the Lord Torphichen took the oath of alleadgeance and subscribed the same with the assureance and took the oath of Parliament.

JOHN Murray of Strowan one of the Commissioners elected for the shire of Perth in place of the deceased Oliphant of Gask and James Sinclair of Stemster one of the Commissioners elected for the shire of Caithness took the oath of alleadgeance, signed the same with the assureance and took the oath of Parliament.

WARRAND given to the Barons and Freeholders of the shire of Edinburgh to meet on Tuesday next being the eleventh current to Elect another Commissioner for that shire in place of Sir James Primrose now promoted to be Viscount of Primrose, Which warrand is as follows.

Warrand to Elect a new Commissioner for the shire of Edinburgh

HER Majesties high Commissioner and the Estates of Parliament in respect that Sir James Primrose of Caringtoun formerly one of the Commissioners for the shire of Edinburgh in this present Parliament is now advanced by her Majesty to the dignity of a Viscount Do therefore Grant order and warrand to the Sherif principal of the foresaid shire and his deputes to call and conveen together the Barons and Freeholders thereof at the ordinary place of their meeting upon Tuesday next being the Eleventh day of July instant to the effect they may chose and elect one to represent them in this said Parliament as their Commissioner in place of the said Sir James Primrose Which they are hereby warranded and ordered to do And ordain intimation hereof to be made in the usual manner.

WARRAND granted to the Barons and freeholders of the shire of Linlithgow to meet on Tuesday come eight dayes being the eighteenth current to elect another Commissioner in place of Charles Hope of Hopetoun now promoted to be Earl of Hopetoun which warrand is as follows.

Warrand to Elect a new Commissioner for the shire of Linlithgow

HER Majesties high Commissioner and the Estates of Parliament in respect that Charles Hope of Hopetoun formerly one of the Commissioners for the Barons of the shire of Linlithgow in this present Parliament is now advanced by her Majestie to the dignity of an Earl Do Therefore Grant order and warrand to the sheriff principal of the foresaid shire and his deputes to call and conveen together the Barons and freeholders therof at the ordinary place of their meeting upon tuesday the eighteenth day of July instant to the effect they may chose and elect one to represent them as their Commissioner in this said Parliament in place of the said Charles Hope Which they are hereby warranded and ordered to do And Ordain Intimation hereof to be made in the usual manner

WARRAND granted to the Barons and freeholders of the shire of Air to meet on Wednesday come eight dayes being the nineteenth current to Elect a Commissioner in place of John Crauford of Kilbirnie, now promoted to be Viscount of Garnock, and the said warrand is as follows.

Warrand to Elect a new Commissioner for the shire of Air.

HER Majesties high Commissioner and the Estates of Parliament in respect That John Crauford of Kilbirnie formerly one of the Commissioners for the Barons of the shire of Air in this present Parliament is now advanced by her Majestie to the dignity of an Viscount Do Therefore Grant order and warrand to the sherif principal of the foresaid shire and his deputes to call and conveen together the Barons and freeholders thereof at the ordinary place of their meeting upon wednesday the nineteenth day of July instant to the effect they may chose and elect one to represent them as their Commissioner in this said Parliament in place of the said John Crauford of Kilbirny which they are hereby warranded and ordered to do, And ordain intimation hereof to be made in the usual manner.

WARRAND granted to the Barons and freeholders of the shire of Bute to meet on Wednes-

day come eight dayes being the nineteenth current to Elect another Commiſsioner in place of Sir James Steuart of Bute now promoted to be Earl of Bute, Which warrand is also as follows.

Warrand to Elect a new Commiſsioner for the ſhire of Bute

HER Majesties high Commiſsioner and the Estates of Parliament in respect that Sir James Steuart of Bute formerly one of the Commiſsioners for the Barons of the ſhire of Bute in this present Parliament is now advanced by her Majestie to the dignity of an Earl Do Therefore Grant order and Warrand to the ſherif principal of the foresaid ſhire and his deputes to call and conveen together the Barons and freeholders thereof at the ordinary place of their meeting upon wednesday the nineteenth day of July instant to the effect they may chose and elect one to represent them as their Commiſsioner in this ſaid Parliament in place of the ſaid Sir James Steuart Which they are hereby warranded and ordered to do And ordain intimation hereof to be made in the uſual manner.

HER Majesties high Commiſsioner acquainted the Parliament That he had a Letter from her Majestie to them; but in respect many of the members were not yet come to Toun he thought it more proper to delay presenting of the Letter till the Parliament were more fully aſsembled which he hoped would be next dyet and that then they would proceed to buſineſs.

AFTER which The Lord Chancellor by order of the Lord high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

JULY XI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Register did take the oath de fideli administratione in the usual manner.

THE Earl of Southerland did take the oath of alleadgeance and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

[Lord Holyrudehouse]

MOVED that Alexander Bothwell now ſerved and retoured heir to the last Lord Holyrudehouse may be marked in the rolls of Parliament conform to his precedencie.

ORDERED that the writs produced for instructing thereof may ly in the Clerks hands that the members may have inspection thereof.

HER Majesties Letter to the Parliament presented by her Majesties Commiſsioner read, Whereof the tenor follows.

Sic ſuprascribitur ANNE R.

My Lords and Gentlemen

The Queen's Letter to the Parliament

NOTHING has troubled us more ſince our acceſsion to the Crowns of these Realms, than the unsettled state of affairs in that our ancient Kingdom.

WE hop'd that the foundations of the differences and animosities that to our great regrett we discover'd among you, did not ly ſo deep, but that by the methods we have proceeded in, they might have been remov'd.

BUT instead of Succeſs in our Endeavours, the rent is become wider, nay divisions have proceeded to such a hight as to prove matter of Encouragement to our Enemies beyond ſea to imploy their Emiſsaries among you in order to debauch our good Subjects from their alleadgeance and to render that our ancient Kingdom a ſcene of blood and disorder, meerly, as they speak, to make you ſerve for a diversion.

BUT we are willing to hope that none of our Subjects, but ſuch as were obnoxious to the Laws, for their crimes, or men of low and desperat fortunes, or that are otherwayes inconsiderable, have given ear to ſuch pernicious contrivances; And we have no reaſon to doubt of the aſsureances given us by those now intrusted with our authority, that they will use their utmost endeavours to Convince our people of the advantadges and neceſsity of the present measures, for we have alwayes been inclin'd to believe that the late mistakes did not proceed from any want of duty and respect to us, but only from different opinions as to measures of government.

THIS being the case, We are resolved for the full Contentment and satisfaction of our people to grant whatever can in reason be demanded for rectificing of abuses, and quieting the minds of all our good Subjects.

IN order to this We have nam'd the Marqueſs of Tweeddale our Commiſsioner, He being a person of whose capacity and probity or qualifications and dispositions to ſerve us and the Country neither we nor you can have any doubt, and we have fully Impowered him to give you unquestionable proofs of our reſolutions to maintain the Government both in Church and State as by law eſtablished in that our Kingdom, and to consent to ſuch Laws as shall be found wanting for the further ſecurity of both, and preventing all incroachments on the ſame for the future.

THUS haveing done our part we are perswaded that you will not faill to do yours, but will lay hold on this opportunity to ſhew to the world the ſincerity of the profeſsions made to us, and that it was the true love of your Country, and the ſense of your duty to it and therefore not the want of duty to us, for we ſhall alwayes reckon these two inconsistent, that was at the bottom of the late misunderstandings.

THE main thing that We recommend to yow, and which We recommend to you with all the earnestneſs we are capable of, is the settleing of the Succeſsion in the Protestant Line, as that which is absolutely neceſsary for your own peace and happineſs, as well as our quiet and ſecurity in all our Dominions, and for the reputation of our affairs abroad, and consequently for the strengthning the Protestant Interest every where.

THIS has been our fix'd Judgement and Resolution ever since we came to the Crown, and tho hitherto opportunities have not answered our intentions, matters are now come to that paſs, by the undoubted evidence of the designs of our Enemies, that a longer delay of settling the Succeſsion, in the Protestant Line may have very dangerous Consequences, and a disappointment of it would infallibly make that our Kingdom the seat of war, and expose it to devastation and ruine.

AS to Terms and Conditions of Government, with regard to the Succeſsor, We have Impowered our Commiſsioner to give the Royal aſsent to whatever can in reason be demanded, and is in our power to grant for ſecureing the Sovereignty and Liberties of that our ancient Kingdom.

WE are now in a war which makes it neceſsary to provide for the defence of the Kingdom, the time of the funds that were lately given for maintenance of the Land forces being Expired, and the said funds exhausted. Provision ought alſo to be made for ſupplieing the Magazines with arms and ammunition, and repairing the Forts and Castles, and for the Charge of the Friggats that prove ſo usefull for guarding of the Coasts.

WE earnestly recommend to you, whatever may contribute to the advancement of true Piety, and the discouragement of Vice and Immorality. And we doubt not but you will take care to encourage trade, and to improve the product and manufactories of the Nation, In all which and every thing else, that can be for the good and happineſs of our people, you ſhall have our hearty and ready Concurrence.

WE ſhall only add that unanimity and moderation in all your proceedings, will be of great use for bringing to a happy iſsue the important affairs that We have laid before yow and will also be most acceptable to us. So We bid you heartily farewell. Given at our Court at Windsoir Castle the 21st day of June 1704, and of our Reign the 3d year.

By her Majestys Command
Sic ſubscribitur AL: WEDDERBURN

Directed
To the Noblemen and To the Barons Commiſsioners for Shires And to the Commiſsioners for Burghs Aſsembled in Parliament in our Ancient Kingdom of Scotland.

[Commissioners, Chancellors, & Secretaries Speeches to be printed]

HER Majesties Commiſsioner made his speech to the Parliament And the Lord Chancellor did also make his speech Both which speeches with her Majesties Letter to the Eſtates were ordered to be printed.

THE Earl of Cromarty Lord Secretary made a speech to the Parliament Which was ordered to be printed.

[Orders of the Parlt House read]

THE Act and Orders to be observed in the Parliament house read and Copies thereof ordained to be affixed on the doors and other places according to custome, And the Lord Chancellor did intimat to the macers to put the ſaid orders to execution as they would be answerable.

[Election Kirkcudbright]

THE double Election of the Laird of Palgoun and Patrick Murdoch of Cumloddin for the ſteuartry of Kirkcudbright in place of the deceased Murray of Brughtoun appointed to be heard the next meeting of Parliament.

[Anent Adjourning the Seſsion]

ACT Adjourning the ſummer Seſsion to the first of November read, and put to the vote Mark a first reading or Not and Carried in the affirmative.

THE Lord Chancellor by order of My Lord High Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XIII, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Duffus who was absent the last Seſsion of Parliam[t] took the oath of alleadgeance and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

The Laird of Cavers's protestation.

THE Laird of Cavers renewed his protestation made the last Seſsion of Parliament against the calling any other of the Barons representing the ſhire of Roxburgh before him, he being the most ancient Baron and returned first in the Commiſsion.

SIR James Foulis of Colingtoun one of the Commiſsioners for the Barons of the ſhire of Edinburgh newly elected in place of Sir James Primrose now promoted to be Viscount of Primrose took the oath of allegiance and ſigned the ſame with the aſsureance and took the oath of Parliam^{t}.

JOHN Forbes of Culloden Commiſsioner elected for the ſhire of Nairn in place of the deceased Duncan Forbes of Colloden took the oath of allegiance and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

ACT adjourning the Summer Seſsion to the first of November next read for the ſecond time and voted and approven, and then touched with the ſceepter by her Majesties Commiſsioner in the usual manner, Of which Act the tenor follows.

ACT Adjourning the Seſsion.

1 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Adjourn the Seſsion to the first day of November next And Declare all actions depending before the Lords of Seſsion to be continued to the ſaid day And her Majestie with consent foresaid Dispenses in the mean time with the ſitting of the Court of Justiciary and all inferior Courts as if the Parliament were not ſitting And further Declares that the time and space betwixt the date hereof and the ſaid first of November next ſhall not be reckoned in any annual prescriptions And ordains these presents to be published at the mercat croſs of Edinburgh and to be furthwith printed, that the Leidges may be certified thereof.

THE double Election for the Steuartrie of Kirkcudbright called, and a petition from ſome of the freeholders read, Craveing to be heard against both the competeing Commiſsioners and upon the illegality and unwarrantableneſs of the intimation made by the Steuart depute with the Protest taken by Murray of Barnhourie; And the parties and their pro^{rs} being heard It was put to the vote Sustain the intimation or Remit, and carried Remit And Tuesday come a fourth night appointed for a new election and a warrand granted for the ſame to the Steuart depute there nominatim to conveen the freeholders and Barons for that effect in manner following.

Warrand to Elect a new Commiſsioner for the Steuartry of Kirkcudbright

HER Majesties high Commiſsioner and the Estates of Parliam^{t} Considering that the Elections made by the freeholders of the Steuartry of Kirkcudbright of one to represent them in this present Parliament in place of John Murray of Brughtoun deceased are now found to have proceeded upon an illegal intimation Do therefore Grant Order and Warrand to Thomas Alexander in Netherthird Steuart depute of the ſaid Steuartry to call and conveen together the Barons and freeholders of the foresaid Steuartry at the ordinary place of their meeting upon Tuesday the first of August next to the effect they may chose & elect one to Represent them in this Parliament as their Commiſsioner in place of the ſaid umq^{ll} John Murray Which they are hereby Ordered and Impowered to do And ordaine intimation hereof to be made in the usual manner.

[Resolve anent a Succeſsor to the Crown]

RESOLVE presented by the Duke of Hamilton That this Parliament will not proceed to the nomination of a Succeſsor untill we have had a previous treaty with England in relation to our Commerce and other Concerns with that Nation, read, and ordered to ly on the table; And after ſome debate thereon It was agreed that the next diet of Parliament they will in the first place reaſsume the consideration of this resolve.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

JULY XVII, M,DCC,IV.

PRAYERS ſaid Rolls called.

SIR Hary Innes younger of that Ilk Commiſsioner elected for the ſhire of Elgine in place of the deceased Robert Dunbar of Grangehill did take the oath of allegiance ſubscribed the ſame with the aſsureance and took the oath of Parliament.

MINUTS of the last Sederunt read.

Resolves concerning the Nomination of a Succeſsor and Limitations & Conditions of Government &c.

THE Duke of Hamilton moved That the Reſolve given in by him might be resumed unto consideration And being read after ſome debate thereon another Resolve was presented by the Earl of Rothes in thir terms Reſolved that the Parliament will go in the first place into ſuch conditions and regulations of Government as may be proper to rectifie our constitution and vindicat and ſecure the Sovereignity and Independency of the King-

dom and then the Parliament will take into their Consideration the Reſolve offered for a treaty previous to a nomination And after debate upon both the ſaid Resolves moved that both the ſaid Resolves may be Conjoined in this manner viz. Resolved That this Parliament will not proceed to the nomination of a succeſsor untill we have had a previous treaty with England for regulating our Commerce and other Concerns with that Nation. And farder it is Resolved that this Parliament will proceed to make ſuch limitations and conditions of Government for rectification of our constitution as may ſecure the Religion Liberty and Independency of this Nation before they proceed to the ſaid nomination; And after reaſoning thereon the Question was ſtated Proceed to the two resolves jointly or seperatly and Carried jointly, and thereafter put to the vote Approve the two reſolves jointly or not and carried Approve.

[Papers concerning the Plot]

MOVED by the Duke of Athol Lord Privy Seal That her Majestie haveing been graciously pleased to ſignifie by her Commiſsioner That the Examination of the plot ſhould be laid before the Parliament; That his Grace the Lord Commiſsioner would be pleased to write to her Majestie to ſend down the persons who were Witneſses and all papers relating to that plot as ſoon as poſsible that that affair might be Examined to the bottom and those who were unjustly and falsely accused might be vindicat and these who were guilty might be punished according to their deserveings.

THE Lord Chancellor Declared by order of the Lord Commiſsioner That his Grace had writ and would again write to her Majestie to ſend down the haill evidences relating to the plot as ſoon as poſsible.

THEN the Lord Chancellor by order of her Majesties Commiſsioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XIX, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act anent Supply &c. read]

THE draught of an Act for two moneths ſupply payable at Lambmaſs next With the draught of another Act for ſecureing free voteing in Parliament presented by the Duke of Hamilton, read; Another draught of an Act presented by the Lord Justice Clerk blank in the ſums but declared by his Lordſhip to be for fourteen moneths ſupply payable in two years commenceing from Whitsunday last, read and all the ſaid Acts ordered to ly on the table.

[Order of procedure]

RESOLVE presented by the Duke of Hamilton that this Parliament will proceed to make ſuch limitations and conditions of Government for the Rectification of our constitution as may ſecure the Religion Liberty and Independencie of this Nation and that they will name Commiſsioners to treat with England for regulating Commerce and other Concerns with that Nation previous to all other buſineſs except an Act of two moneths ſupply first of all to be granted for the present ſubsiſtence of her Majesties forces.

[Publict Accounts]

MOVED that the Commiſsioners appointed by the last Seſsion of Parliament for inspecting the accounts of the publict funds give in their report again the next diet of Parliament to ly on the table that any of the members may have inspection thereof.

[Popish Succeſsor]

MOVED that there be an Act brought in for ſecureing against a popiſh ſucceſsor.

MOVED that the Parliament may return an answer to her Majesties most gracious letter and the ſame remitted till the next dyet of Parliament.

[Earl of Sutherland &c. ag^{t} Lords of Thesaury]

PETITION the Earl of Sutherland and the Laird of Grant mentioning a Remit from the Lords of Seſsion and Craveing a warrand to Cite the Lords of Thesaury and others for misapplication of the pole money, read and ordered to ly on the table till the ſaid remit from the Lords of Seſsion to the Parliament be produced.

THE Lord Chancellor by order of the Lord high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Feu duties of Bute]

ACT of diſsolution from the Crown of the few duties of Bute and others therein mentioned in favors of James Marqueſs of Montrose, read, and the Earl of Bute craveing to be heard for his interest; Ordered that a first reading be marked on the Act and her Majestics Advocat and the Earle of Bute's procurators appointed to be heard before a ſecond reading.

[Illegal Levying of money]

MOVED that an order for Levieing money in the paroch of Cramond may be censured as illegal and an attested double thereof being read after debate

thereon the further consideration thereof delayed to the next dyet of Parliament and the ſubscriber of the order and Commander of the party and others concerned ordered to be cited.

[Earl of Sutherland ag^t Lords of Treasury]

THE petition given in by the Laird of Grant again taken into consideration and the remit from the Lords of Seſsion being produced and another petition from the Earl of Southerland being read, Warrand granted for Citation in the terms of the ſaid petitions.

[Anent treating with England]

OVERTURE for an act presented by Mr Fletcher of Saltoun for nominating persons to be Commiſsioners to treat with England, read.

[Public Funds]

THE Report given in by the Commiſsioners appointed by the last Seſsion of Parliament for inspecting the accounts of the publict funds laid upon the table and ordered to be printed.

[Acts of Supply]

MOVED by the Duke of Hamilton that the Resolve presented by him with the Act for the two moneths ſupply may be again taken into consideration.

LIKEWAYES moved that the Act presented by the Lord Justice Clerk and declared by him to be for fourteen moneths Supply payable in two years may be likewayes considered and after reasoning thereon the question being ſtated Whither a first reading ſhould be given to the Act for two moneths or the Act for Six moneths Ceſs and carried to the Act for Six moneths Ceſs And a first reading accordingly ordered to be marked thereon.

[Officers of the Army]

PETITION by the officers of the army and garriſons who want their cloathing and clearing read and ordered to be taken into consideration before a ſecond reading of the Act of Supply.

PETITION by David Baillie prisoner in the Castle of Stirling Craveing to be set at liberty read and the desire thereof granted he finding caution to appear before the Parliament when called, which accordingly he did, and thereupon an Act for his Liberation was extracted as follows.

Act for the liberation of David Baillie

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of David Baillie prisoner in the Castle of Stirling Humbly Shewing unto them That whereas the petitioner has been a long time in prison in the Castle of Stirling and other places, and that it is extremely prejudicial to his health to continue any longer in prison he being reduced to that weakneſs and ill ſtate of health that he is ſcarce able to walk And therefore humbly Craveing that his Grace and the Estates of Parliament would ordain him to be set at liberty he alwayes Enacting himself to appear when called as the ſaid petition bears Which being considered by her Majesties Commiſsioner and the Estates foresaid They by their Interloquitor thereon ordained the petitioner to be set at liberty He finding caution when called to appear before the Parliament In the terms of which Interloq^r and conform to the Sixth Act of the ninth Seſsion of King William's Parliament William Lord Forreſter did before extracting hereof become bound as Cautioner and ſoverty for the ſaid David Baillie petitioner That he ſhould when called appear before the ſaid high Court of Parliament And that under the penalty of one thousand merks Scots money In respect whereof her Majesties high Commiſsioner and the ſaid Estates do hereby ordain him the ſaid David to be set at liberty in manner foresaid.

[Mr Patrick Ogilvie]

PETITION Mr Patrick Ogilvie son to the Earl of Findlater Craveing that he may have an independent troup of dragouns to the end therein mentioned, read, and ordered to be considered before the Act for Supply be read for the ſecond time.

[Disbanded Officers]

PETITION the disbanded officers relating to their arrears and ſubsistence, read, and ordered to be taken into consideration with the Report from the Commiſsioners for inspecting the accounts of the funds.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXV, M,DCC,IV.

PRAYERS ſaid Rolls called.

THE Earl of Caithneſs who was absent the last Seſsion of Parliament took the oath of alleadgeance and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

JOHN Birsbain younger of Bishoptoun newly Elected one of the Commiſsioners for the Barons of the ſhire of Air in place of John Crauford of Kilbirnie promoted to be Viscount of Garnock took the oath of alleadgeance and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

JOHN Steuart of Kinwhinlick newly elected one of the Commiſsioners for the Barons of the ſhire of Bute in place of Sir James Steuart of Bute promoted to be Earl of Bute took the oath of alleadgeance and ſubscribed the samen with the aſsureance and took the oath of Parliament.

MINUTS read.

[Acts of Supply &c.] THE Act of Supply again taken into consideration, and the Act of Security being offered as a clause to be added to the Act of Supply, read, And after debate thereon, the following reſolve was offered by the Lord Roſs, Resolved that the Parliament will proceed to grant two moneths ſupply for ſubſisting her Majesties forces and as ſoon as the Act of Security now read has got the Royal aſsent will give four moneths ſupply more.

AND then a ſecond reſolve presented by the Earl of Roxburgh viz. Agreed and Reſolved that there be a first reading marked on the Act of Security and that both this Act and the Act for the Supply ly without being furder proceeded on untill his Grace her Majesties Commiſsioner receive instructions as to the Act of Security It being then free to the Parliament to proceed to the Acts jointly or seperatly as they ſhall think fit; And after reaſoning on both the ſaid Reſolves The Question was ſtated Approve the first Reſolve preſented by the Lord Roſs or the ſecond reſolve preſented by the Earl of Roxburgh, and carried Approve the ſecond; And the Act of Security being read, a first reading was ordered to be marked thereon.

M[r] John Montgomery of Wrae Commiſsioner in place of Hopetoun for Linlithgow ſhire, took the oaths &c.

[Order of procedure] MY Lord Commiſsioner and the Estates of Parliament Appointed the next dyet of Parliament for discuſsing privat buſineſs.

AGREED that previous to all other buſineſs the Act of Diſsolution in favors of James Marqueſs of Montrose be taken into consideration.

[Doctor Chamberlain] PETITION Doctor Chamberlain Craveing a warrand to cite his Creditors in order to a protection, read and the deſire thereof granted.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday the third of August at ten a clock.

AUGUST III, M,DCC,IV.

PRAYERS said Rolls called.

[Election—Kirkcudbright] COMMISSION Alexander Mackie of Palgoun newly elected one of the Commiſsioners for the Steuartry of Kirkcudbright being presented; It was objected that the election being on the first of August he had very quickly come up and there is ground to believe his Commiſsion was contraverted After debate thereon he was admitted but it was declared that all persons were free to object against the ſaid Commiſsion notwithstanding of his ſaid admiſsion and thereupon he took the oath of alleadgeance and ſubſcribed the ſame with the aſsureance and took the oath of Parliament.

MINUTS of the last Sederunt read.

Protestation for the Earl of Bute IT being moved that the act of diſsolution in favors of James Marqueſs of Montrose might be read for the ſecond time; The Earl of Bute Declared that he not being cited he did not ſtate himself a Contradictor and entered his Protestation for ſaveing his privat right, which was admitted and ordered to be recorded; And thereafter the act was read, and after reaſoning and ſeveral amendments made on the act, It was put to the vote Approve, or not; and carried Approve.

[Earl of Sutherland &c. ag[t] the Lords of Thesaury] PETITION The Earl of Sutherland and Laird of Grant Craveing the proceſs depending at their instance against the Lords Commiſsioners of the Thesaury might be remitted to be diſcuſsed before the Lords of Seſsion, read, and the Commiſsioners of the Thesaury allowed to ſee and answer against the next dyet of Parliament; and ordered that then this petition and answers be taken into consideration.

[Dutcheſs of Buccleuch ag[t] Earls of Melvill & Leven &c.] PETITION The Dutcheſs of Buccleugh againſt The Earls of Melvill and Leven and M[r] James Melvill of Halhill Craveing a dyet may be appointed for hearing the cause against them and that Sir David Dalrymple may be allowed to plead the ſame, The Earl of Leven deſired to ſee and answer the ſamen petition And it being put to the vote Appoint a day for hearing or to ſee and answer It carried appoint a day for hearing And the ſecond diet of Parliament next week appointed for that effect, And Sir David Dalrymple allowed to plead for her.

[Earl of Ruglen] THE Complaint The Earl of Ruglen against an illegal order for quartering appointed to be heard after the Dutcheſs of Buccleughs cause the ſecond diet of Parliament next week.

[Order of procedure] THE next diet of Parliament appointed for considering the report from the Commiſsioners appointed by the laſt Seſsion of Parliament for the inspecting the accounts of the publict funds and Declared the Parliam^t will then consider the petition given in by the Duke of Atholl and the officers of his late Regiment, The petition for Lieutennent General Ramsay, The petition for the Viscount of Teviot, The petition for Collonell George Mackgill, The petition for the officers of the army and garriſons who want their clearing and cloathing, The petition for Lieutennent Collonell John Hepburn, The petition for Captain Thomas Hay, The petition of the diſbanded officers, The petition for the corporalls in the independent troops of horse, Petition Marqueſs of Lothian, Petition John Auchmouttie, Petition Sir William Douglaſs, Petition the relict of Captain Alexander Dunbar, Petition Captain David Lindsay, and all other officers petitions relating to arrears.

[Counteſs of Seaforth] PETITION Frances Counteſs Douager of Seaforth, craveing an aliment read and the Creditors of the Earl of Seaforth allowed to ſee and answer.

PETITION the ſaid Frances Douager of Seaforth craveing an warrand for Letters to ſummond Kenneth Mackenzie and others therein mentioned in order to the makeing up of a write, read, and the said Kenneth Mackenzie and others allowed to see and answer.

[McDonald of Glengarie] PETITION Alexander Mackdonnald of Glengarie Craveing the garriſon may be removed from his house at Invergarie and the Parliament to modifie and determine a ſum to be payed to him in reparation of his loſses and damnages, read, and her Majesties Advocat allowed to ſee and answer again the next dyet of Parliament next week.

[Sir James Steuart ag^t Johnstoun of Stratoun] PETITION Sir James Steuart of Goodtrees her Majesties Advocat, Craveing a day may be appointed for hearing his cauſe against Johnstoun of Stratoun read and the ſecond diet of Parliament next week appointed for that effect after the Dutcheſs of Buccleugh's and the Earl of Ruglen's.

[Commiſsioners of Justiciary] ACT for more effectual payment of the Commiſsioners of Juſticiary their Sallaries, read, and ordered to ly on the table.

[James Bayne] PETITION James Bayne Wright Craveing reimbursement of a ſum of money advanced by him for finiſhing the palace of Holyrudehouse read and the ſame ordered to be Considered after the Report of the Commiſsion for auditing accounts.

ACT in favors of a maiden hospital erected by the Merchants of Edinburgh With another act in favors of a maiden hospital to be erected by the Incorporations of Edinburgh read, and a first reading ordered to be marked on both the ſaid Acts. [Hospitals of Edin^r]

ACT Diſchargeing Importing Irish butter and cheese, read, and a first reading ordered to be marked thereon. [Irish Butter & Cheese]

THE Contraverted Elections of the ſhire of Roſs and Clackmannan ordered to be diſcuſsed the next diet of Parliament after Report of the Commiſsion for auditing the accounts. [Elections—Roſs & Clackmannan]

ACT in favors of the ſhire of Caithneſs read, and a first reading ordered to be marked thereon. [Caithneſs]

ACT for draining Lochs and Mariſhes read and a first reading ordered to be marked thereon and the ſame ordered to be printed. [Draining Lochs & Marshes]

THE proceſs The Laird of Clackmannan against his Creditors ordered to be heard the second diet of Parliament next week. [Laird of Clackmannan]

PETITION James Oliphant of Langtoun against Mr Robert Alexander read and refused Leaveing the petitioner to inſiſt in any action competent to him before the Judge ordinary as accords in manner following.

ANENT the petition Given in to his Grace her Majesties high Commiſsioner and the right honourable the Estates of Parliament By Mr James Oliphant of Langtoun against Mr Robert Alexander One of the principal Clerks of Seſsion mentioning That where it pleased the late Sovereigne King William of ever glorious memory by his gift under the great Seal to nominat and ordain the deceased Charles Oliphant ꝑe pet^rs father and him and either of ꝑ^m the longeſt liver ſucceſsive the one after the other alternatim, but no wayes jointly at the ſame time to a place of a Clerk of the Seſsion and Parliament in the equal half of one of the three offices and that dureing the life of the longest liver of ꝑ^m two in the place of Mr William More who was conjunct with Sir James Dalrymple in the ſaid office So that one of ꝑ^m might only enjoy the office at the ſame time according to the tenor of the Act of Parliament I^{mo} vjc· and eighty five as the said gift of the date the fife- Act in favors of Mr Robert Alexander

teenth day of June I^m vj^c^ and ninety one years bears Whereby it is manifest that the foresaid gift and that by the advice of the beſt Lawyers was formed and calculated to consist with the foresaid Act of Parliament to which it expreſsly referrs. Likeas in view thereof his ſaid deceased father and he did really pay for it the ſum of ſeven thousand merks and farder became bound to pay to the ſaid Mr William More the ſum of two thousand merks yearly dureing his life so that at this day it hath coast the petitioner upwards of twenty eight thouſand merks and is ſtill a growing burden dureing Mr William Mores life Nevertheleſs when the petitioners said deceased father and he Craved admiſsion upon their ſaid Gift it was alleadged they could not be both admitted in terms of the gift in regard of the foresaid Act of Parliament And thereupon the Lords ſuſtained their gift only in favors of one of them And the petitioners deceased father being appointed to make his Election he made the ſame in favors of himselfe; But all this haveing been done without the petitioners haveing been called or any wayes concerned when his father happened to decease within ane year and an half thereafter he again applyed to be admitted by vertue of the foresaid gift alleadgeing that what had happened upon his fathers first application or the election he made in complyance with the Lords deliverance could not at all touch him or take from him his jus quesitum of the ſaid gift ſince he neither had been called nor compearing Secondly That now by the ſaid gift the ſurviveance there provided in the petitioners favors did evidently take place upon his fathers decease and the foresaid Act of Parliament could not now be obtruded Seeing that it was he alone that craved or could be admitted Thirdly That the survive-ance provided in the ſaid Gift and now takeing place in the petitioners favors was not against any Law or Act of Parliam^t^ but both lawful and uſual, Fourthly That it was a viſible and intollerable hardſhip that the petitioners father and he ſhould have payed and engaged in ſuch a ſum in the faith of the ſaid gift granted to them both as ſaid is and yet have the ſamen cut off as to them both by his ſimple decease which happened within leſs than an year and an half And now besides the foresaid Seven thousand merks advanced and the bygone yearly annuity of Two thouſand merks which hath now run theſe Eleven years, the ſamen is yet current to his utter ruine and undoing And Fifthly That it had been far more eligible on the petitioners part That the Lords had declared their foresaid gift to be null than to have restricted it in manner foresaid, Since upon the declared nullity the petitioner might have had repetition and ſaved himself from the foresaid growing and exceſsive burden But notwithstanding of all these alleadgeances It pleased the Lords to refuse the petitioners gift and admiſsion and declare the place simply vacant by his fathers decease upon no other ground but because they had predetermined themselves by the Act of Sederunt upon his fathers admiſsion and ſo they adheered to their Interloquitor past then without considering or declaring the validity or invalidity of his gift Which being ſo heavie a grieveance the petitioner was neceſsitat to protest for remeid of Law to the King and Parliament and thereupon in the year I^m^ vj^c^ and ninety five he insisted in Parliament upon his ſaid protest and got the ſame Committed and a report upon it; But this report pointing only by way of expedient at the then Lord Register against whom the petitioner thinks he needs not insist but on the office it ſelf and the fruits thereof to which a legal and formall gift under the great ſeal doth naturally carry him. The petitioner has hitherto with great patience ſuffered one to poſſeſs himself of his office and enjoy the fruits thereof these eleven years bygone but not being able to ſupport the exceſsive burden any longer of Mr William Mores annuity which by this time has gone near to ruine him He does now humbly offer his ſaid gift and Craved that the ſame might be read and he admitted thereupon And there is no injury done to Mr Robert Alexander the present incumbent ſince by his enjoying the fruits of the office these Eleven years bygone he has much more than doubled the ſum he payed for it, And Therefor craveing His Grace and their Lordſhips to cõnsider the premiſses and to allow the petitioners gift to be read which constitute him a member of their honourable house, and him admitted thereon And if there remain any difficulty with them after hearing the ſame That Lawyers may be allowed to be heard thereupon in plene Parliament And for that effect to declare the Lord Register and the ſaid Mr Robert Alexander to be thereto cited apud acta, as the ſaid petition and deſire thereof bears. For Instructing whereof the petitioner Produced the foresaid Gift of the date abovementioned written to the great ſeal and registrat the thirteenth day of July I^m^ vj^c^ and ninety one by Sir William Kerr and ſealed at Edinburgh the ſaid day by Alexander Inglis as the ſame more fully bears Which petition and deſire thereof being this day read in presence of his Grace her Majesties high Commiſsioner and the ſaid Estates of Parliament And they being therewith and with the foresaid gift produced for instructing the ſame well and ripely adviſed They Refused and hereby Refuse the deſire thereof Leaving the petitioner to insiſt in any action competent to him before the Judge ordinary as accords.

[Against wearing of Silk]

REPRESENTATION for the Merchants of Edinburgh against all wearing of Silk, read and the ſilk manufactories allowed to ſee and answer the first diet of Parliament next week.

[Discharging woollen Manufactures] ACT dischargeing the Importing of woollen manufactures and allowing the exportation of wool presented, and ordered to be printed.

THE Lord Chancellor by order of Her Majesties high Commissioner, Adjourned the Parliament till to morrow at ten a clock.

AUGUST IV, M,DCC,IV.

PRAYERS said Rolls called.

THE Lord Burleigh who was absent the last Session of Parliament took the oath of alleadgeance and subscribed the same with the assureance and took the oath of Parliament.

[Election—Stewartry of Kirkcudbright] ANOTHER Commission for Patrick Murdoch of Cumloaden newly elected one of the Commissioners for the Steuartry of Kirkcudbright presented, And the competition moved betwixt this Commission and the Commission given to Palgoun: After reasoning it was agreed That the matter should be Remitted intire to be proceeded in the first diet of Parliament next week and Palgoun of consent Declared that he would not vote till the case was determined.

MINUTS of the last Sederunt read.

[Earl of Sutherland ag^{t} Lords of Treasury] PETITION The Earl of Southerland and Laird of Grant against the Lords Commissioners of the Thesaury and a farder delay being craved the first diet of Parliament was appointed for considering the same previous to all other busines; and in the mean time the Lords Commissioners allowed to see and answer the same.

[Order of Procedure] MOVED That the Act nominating persons to be Commissioners to treat with England might be again read in order to have a first *reading* marked thereon; Likewayes moved that the Act of Security might have a second reading And after reasoning It was put to the vote Proceed this day to the consideration of the Report of the Commission for auditing the accounts of the publict funds or to one of the two publict acts now proposed, and Carried to one of the two publict Acts Thereafter put to the vote Proceed to consider the Act for nominating persons to be Commissioners to treat with England or to consider the Act of Security, and Carried to the Act nominating persons to treat with England, and the said Act being read, a first reading ordered to be marked thereon and the Act ordered to be printed.

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST V, M,DCC,IV.

PRAYERS said Rolls called.

THE Lords Balmerinoch and Blantyre took the oath of alleadgeance and subscribed the same with the assureance and took the oath of Parliament.

MINUTS of the last Sederunt read.

[Order of procedure] MOVED that a day be appointed for nominating Commissioners to be insert in the Act and Commission of treaty with England, Likewayes moved That the Act of Security might be read the second time And after reasoning Agreed that the next diet of Parliament be appointed for nomination of the said Commissioners and the second diet of the week after the next week for a second reading of the said Act and Commission and in the mean time to proceed to the Acts of Security and Supply.

The Marques of Annandale's protestation ag^{t} the Act of Security. ACT of Security read the second time And after advising before voteing the said Act The Marques of Annandale renewed his protestation made last Session of Parliament against passing the said Act and Craved that his dissent might be marked.

THE Act was put to the vote Approve or not and carried Approve.

[Public Accounts] NEXT diet of Parliament appointed to consider the Report of the Commission for auditing the accounts of the publict funds after the nameing of the Commissioners to be insert in the Act and Commission of treaty with England.

[Act of Supply] THE Act of Supply for six *moneths* cess out of the Land rent to be given to the Queen for the ends and payable at the terms therein mentioned read the second time And after some debate and amendments thereon It was put to the vote Approve the said Act or not and carried Approve nemine contradicente.

[Lists of Commissioners of Supply] ORDERED that the Noblemen and Commissioners for Shires and other members concerned bring in lists of Commissioners for Supply next diet of Parliament and if they do not that the Lord Register fill up the Commissioners formerly named in the last Act of Supply.

[Earl of Sutherland ag^{t} Lords of Treasury] THE petition the Earl of Southerland and Laird of Grant with a representation given in by the Commissioners of Thesaury read And after hear-

ing her Majesties Advocat and Solicitor for the Queens intereſt It was put to the vote Remit the cauſe to be diſcuſsed before the Lords of Seſsion or Reſerve the ſame to be Considered in plene Parliament and that a day be appointed for that effect and carried Remit.

BEFORE the ſaid vote the Marqueſs of Annandale, Earl of Marchmont and Mr Francis Montgomery gave in their protestation against ꝑe ſame and Craved the ſame might be recorded and that they might have Extracts thereof, And the Laird of Grant younger Protested in the contrare, Of which Remit and Protestations the tenors do follow.

Remit to the Lords of Seſsion of the Action The Earl of Sutherland & Laird of Grant ag^{t} the Lords of Thesaury

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard a petition for John Earl of Sutherland and Ludovick Grant of that Ilk Humbly Shewing unto them that where their Lordſhips by their deliverance of the date the twenty first of July haveing granted warrand for citeing the Lords Commiſsioners of the Theſaury at the petitioners inſtance before the Parliament for answering the petitioners claims anent the Pole money deſtinat by Act of Parliament for payment of the cloathing. True it is that albeit Citations are accordingly given yet the diet of Compearance as to those who are either furth of the Kingdom or not in toun being upon ſo may dayes, that it is not probable this Seſsion of Parliament will continue ſitting till then Besides that the Lords of Seſsion by a special Remit from their Lordships may be most proper and competent Judges And therefore humbly Intreating his Grace and the right honourable the Eſtates of Parliament would be pleased to Remit the tryall and diſcuſsing of the case aforesaid betwixt the petitioners and the Lords of Thesaury to the ſaid Lords of Seſsion to be ſummarly determined by them as the ſaid. Petition bears Her Majesties said Commiſsioner and the Eſtates foresaid by their deliverance thereon dated the third of August instant Ordained the Lords Commiſsioners of the Theſaury to ſee and answer the ſame against the then next ſitting of Parliament And they haveing accordingly given. in answers thereto in form of Repreſentation Mentioning that the Lords of Theſaury haveing been first conveened at the instance of the ſaid petitioners before the Lords of Seſsion and then upon the Lords of Seſsion their remit again conveened before the Eſtates of Parliament and the day and diet to which they are conveened before the ſaid Eſtates not being yet come They conceive that they are no wayes oblidged to notice any anticipating petition given in by the ſaid petitioners It being certain that they being under a citation and the day not yet come they are not at all concerned to answer any petition before hand for otherwayes by the ſame consequence they might be put summarly to answer without any Citation, Secundo They farder judge that the Remit craved by the petition is greatly of their concern for discharge of the trust reposed on them by her Majestie and her Majesties interest in that matter So that being conveened as Commiſsioners acting in a joint Commiſsion and therefore not lyable to answer ſeperately and all of them oblidged by their trust to maintain their priviledge and her Majesties concern therein; there can be no remit past upon the petition presented untill the day of compearance in the Citation given them and that all of them be heard thereupon Tertio esto that the Commiſsioners of the Thesaury were appearing as the Lord high Thesaurer yet without answering the petition or the petitioners the Commiſsioners think it their duty to Represent to the Estates of Parliament that since the Lords of Seſsion found it a novelty to have the high Thesaurer or the Commiſsioners of Theſaury in his place conveened before them for his or their administration it's hoped the Estates of Parliament that now proceed in this matter in their judicative capacity will not find it reaſonable to grant a Remit whereby the novelty avoided by the Lords must come to be introduced and that ſo much the rather that the novelty is clear in regaird it is the known method of administration that for the high Theſaurer's or the Theſauries accounts the Queen hath been in perpetual right and use to give Commiſsions of audite By which Commiſsion their accounts are examined and controlled and can only be examined and controlled before ſuch a Commiſsion and before no other ordinary Judicatory And therefore seeing the Remit in question would neceſsarly bring the Examination and Controll of the Thesauries accounts before the Lords of Seſsion it's ſubmitted to the Judgement of the honourable Estates of Parliament whither this would not be a novelty indeed and prejudicial to her Majesties prerogative ſpecially ſeeing if any privat party find themselves læsed in the ordinary administration Her Majestie hath a Court of Excheq^{r} which is a Sovereign Court and where all ſuch questions by the Act of Parliament I^{mo} vj^{e} and thirty three ought to be cognosced and determined, as the ſaid repreſentation alſo bears. Her Majesties high Commiſsioner and the ſaid Estates of Parliament haveing again upon the day and date of thir preſents heard and considered the foresaid petition with the foresaid answers in form of representation for the Lords Commiſsioners of her Majesties Theſaury and they being therewith well and ripely advised They have Remitted and by thir preſents Remit the deciſion of the petitioners causes abovémentioned to the Lords of Seſsion.

THE Protestation given in before voteing the ſaid Remit, by the Marqueſs of Annandale the Earl of Marchmont and Mr Francis Montgomery, is as follows.

Protestation The Marquefs of Annandale, The Earl of Marchmont and Mr Francis Montgomery

THE Marquefs of Annandale the Earl of Marchmont and Mr Francis Montgomery haveing been conveened at the instance of the Earl of Sutherland and Ludovick Grant of that Ilk before the Lords of Sefsion to answer for their administration of the Pole money as Commifsioners of the Thefaury; The Lords of Sefsion did referr the cause to the Parliament Whereupon the faid pursuers did of new cause cite the foresaid persons Commifsioners again before the Parliament to a day not yet come; But in the mean time they present a petition to her Majesties Commifsioner and the Estates of Parliament Craveing that the faid action before the Parliament whereof the day of Compearance was not come might be remitted to the Lords of Sefsion After reading of which petition the faid parties craved to be heard before any vote And after the debate, the vote being ftated by the Lord Chancellor Remit to the Sefsion or Appoint a day to hear in Parliament The faid Marquefs of Annandale the Earl of Marchmont and Mr Francis Montgomery all present as members did with all respect humbly Protest that the faid vote whither it were determined to Remit or to Hear as above might not prejudge their legal defences against the foresaid anticipating citation or the order of the faid action or relevancy of the libell and that they might be held as absent and have the benefite of their faid alleadgeances And that in respect they and diverse others Commifsioners of the Thefaury were cited to a day which was not yet come which the pursuers themselves grant So that properly there is not a cause or action depending before the Parliament to be remitted And if the foresaid day of compearance were come as it is not the pursuers could not preclude the defenders of their just Exceptions upon their priviledge to be heard only before the high Court of Parliament And farder Protested that the pursuers founded upon a reference from the Lords of Sefsion yet no fuch reference was produced And they all farder Protested That this vote to be put might not prejudge her Majesties prerogative or the priviledges of her Majesties Thesaury and Exchequer nor the order of auditing and controlling of the accounts of the Thefaury in the administration of publict moneys which has allwayes been seperated from the jurisdiction of the Sefsion and manadged and difcharged either by a Commifsion of audit from her Majestie or by the Sovereign Court of Exchequer Whereupon the faid parties did feperatly take Instruments in the hands of the Lord Clerk Register Craveing that they might be allowed Extracts of their protests and that the fame might be insert in the Minuts of this Sederunt Sic fubscribitur Annandale P, Marchmont F Montgomerie.

Protestation The Laird of Grant younger.

THE Laird of Grant younger Protested in the contrare, as faid is.

ACT of difsolution of the few duties of Bute and other rents allocat to the keeping of the castle of Dumbartoun and the Conftabulary thereof Act for the Security of the Kingdom, and the Act of Supply all touched with the fcepter by her Majesties Commifsioner in the usual manner Of which feveral Acts the tenors follow. [Acts touched with the Scepter]

ACT of Difsolution of the few duties of Bute and other rents allocat to the keeping of the Castle of Dumbartoun and the Constabulary thereof in favors of the Marquefs of Montrose.

OUR SOVEREIGN LADY and the Estates of Parliament takeing to their ferious consideration the great and fingular fervices done to the Crown and Kingdom by the Noble families of Lennox and Montrose And that of late Charles Duke of Lennox hath disponed and made over to James now Marquefs of Montrose the few-duties of the lands of Bute and Comrie ferme and watch maill of Kilpatrick maines and few duties of Cardrofs and with the Castle green of the Castle of Dumbartoun and the haill other fuperiorities few-duties and other rents and emoluments belonging to the faid Castle and pertaining to the faid Duke as heretable Keeper and Constable thereof; And that her Majestie hath consented to the faid agreement betwixt the faid Duke of Lenox and Marquefs of Montrose under condition that the Marquefs fhould Difpone and Resigne in favors of the Crown the rock and haill fortifications of the faid Castle with the office of heretable Keeper and Conftable thereof; As also that he fhould dispone the faid few-duties ferms and watch maill and others abovementioned to the persons lyable in payment thereof at the rates and under the conditions fet down by her Majestie Therefore and to the effect her Majestie may freely dispone upon the premifses to be holden blench of her Majestie and the Marquefs be fully fecured therein Her Majestie for the good and weighty reafons and causes abovementioned with advice and consent of the Eftates of Parliament for all right and title any manner of way competent to the Crown or principality hath Difsolved and hereby Difsolves the foresaid feu-duties of Bute feu-duties of Comrie and the faid ferm and watch maill of Kilpatrick maines and feu-duties of Cardrofs with the Castle green and haill other fuperiorities feu-duties rents and emoluments belonging to the Keeping and Conftabulary of the faid caftle or to the faid Duke of Lenox as Keeper and Constable thereof from her Majesties Crown and principality and patrimony thereof and from the office of keeping the faid Caftle Rescinding and Annulling all Acts of Parliament annexing the fame thereto and that may be any wayes inconsistent herewith Reserveing allwayes to her Majestie and her fucceffors the faid rock and haill fortifications of the faid 2

Caſtle to remain with the Crown as a part of the annexed patrimony thereof for ever And her Majeſtie with conſent foreſaid Declares and Ordaines the right to be granted by her Majeſtie to the Marqueſs of Montroſe of the premiſes hereby diſſolved to be as valid and effectual as if the feuduties and others abovementioned had never been annexed to the Crown or principality nor the keeping of the ſaid Caſtle of Dumbartoun And that this preſent Diſſolution ſhall have the full force and ſtrength of any former Act of Diſſolution paſt in the best forme with all clauses needfull.

The Earl of Butes proteſtation at paſsing of this Act is to be found on the third inſtant.

ACT for the Security of the Kingdom

3 OUR SOVEREIGN LADY The Queens Majeſtie with advice and conſent of the Eſtates of Parliament Doth hereby Statute and Ordain That in the event of her Majeſties death or of the death of any of her Majeſties heirs or ſucceſsors Kings or Queens of this Realm This preſent Parliament or any other Parliament that ſhall be then in being ſhall not be diſſolved by the ſaid death But ſhall and is hereby Required and Ordained if aſsembled to Sit and Act in manner aftermentioned notwithſtanding of the ſaid death And if the ſaid Parliament be under adjournment the time of the ſaid death It ſhall notwithſtanding meet preciſely at Edinburgh the twentieth day after the ſaid death excludeing the day thereof whither the day of the ſaid adjournment be ſooner or later And It is further Statute and Ordained That in caſe there ſhall be no Parliament in being at the time of the death foreſaid then the Eſtates or members of the laſt preceeding Parliament without regaird to any Parliament that may be indicted but never met nor conſtituted ſhall meet at Edinburgh on the twentieth day after the ſaid death the day thereof excluded And further provideing that in all or any of the ſaid caſes if there ſhall happen to be any vacancie of members by reaſon of death or promotion the Barons or Burghs concerned ſhall have power to choose and supply the ſaid vacancie in the accuſtomed manner As Likewayes that in all or any of the ſaid caſes no perſon who hath been, is or ſhall be then papiſt and hath not purged himſelf of popery by takeing of the Formula ſet down in the third act of the Parliament One thouſand and ſeven hundreth before the ſaid death ſhall be capable to be a member of or to elect or be elected to the ſaid Meeting of the Eſtates of Parliament And sicklike that no Engliſh man nor forreigner haveing a Scots title and not haveing an Eſtate of Twelve thouſand pounds yearly rent within this Kingdom ſhall in the event foreſaid have place or vote in the ſaid Meeting of Eſtates And the ſaid Eſtates of Parliament appointed in caſe of the death foreſaid to continue or meet as above are hereby Authorized and Impowered to act and adminiſtrat the Government in manner aftermentioned That is That upon the death of her Majeſtie leaveing heirs of her own body or failzieing thereof lawful ſucceſsors deſigned or appointed by her Majeſtie and the Eſtates of Parliament or upon the death of any ſucceeding King or Queen leaving lawfull heirs and ſucceſsors as ſaid is the ſaid Eſtates of Parliament are Authorized and Impowered after haveing read to the ſaid heir or ſucceſsor the Claim of Right and deſired them to accept the Government in the terms thereof to require of and adminiſtrat to the ſaid heir or lawful ſucceſsors by themſelves or ſuch as they ſhall commiſsionat the Coronation oath and that with all convenient ſpeed not exceeding thirty dayes after the meeting of the ſaid Eſtates if the ſaid heir or ſucceſsor be within the Iſle of Brittain Or if without the ſame not exceeding three moneths after the ſaid Meeting in order to their Exerciseing the regal power conform to the Declaration of the Eſtates containing the Claim of Right And also in caſe of the ſaid heir or ſucceſsor their being under age which as to the exerciſe of the Government is hereby declared to be untill their attaining to ſeventeen years compleat to Provide for order and ſettle within the ſpace of Sixty dayes after the ſaid meeting a Regencie for the Kingdom untill the ſaid heir or ſucceſsor take the Coronation oath and do actually enter to the Exerciſe of the Government The Regent or Regents to be ſo appointed allwayes haveing the Claim of Right read to him or them as above and he or they takeing at his or their entry the Coronation oath and to continue for ſuch ſpace as the ſaid Eſtates ſhall appoint After the entry of which heir or ſucceſsor to the Exerciſe of the Government in manner foreſaid or the ſettling the Regency in caſe of under age the ſaid Eſtates of Parliament ſhall only continue to ſit and act for the ſpace of three moneths unleſs they be ſooner lawfully adjourned or diſſolved by the ſaid heir or ſucceſsor being entered or by the Regent or Regents lawfully ſettled as ſaid is And further upon the ſaid death of her Majeſtie without heirs of her body or a ſucceſsor lawfully deſigned and appointed as above Or in the caſe of any other King or Queen thereafter ſucceeding and deceaſing without lawfull heir or ſucceſsor the foreſaid Eſtates of Parliament Conveened or Meeting are hereby Authorized and Impowered to Nominat and Declare the Succeſsor to the Imperial Crown of this Realme and to ſettle the ſucceſsion thereof upon the heirs of the ſaid ſucceſsors body; The ſaid ſucceſsor and the heirs of the ſucceſsors body being allwayes of the Royal line of Scotland and of the true proteſtant Religion Provideing allwayes that the ſame be not ſucceſsor to the Crown of England unleſs that in this preſent Seſsion of Parliament or any other

Seſsion of this or any ensueing Parliament dureing her Majesties reign there be ſuch conditions of Government ſettled and enacted as may ſecure the honour and ſovereignity of this Crown and Kingdom, the freedom frequency and power of Parliaments, the religion liberty and trade of the Nation from Engliſh or any foreigne influence With power to the said Meeting of Estates to add ſuch further conditions of Government as they ſhall think neceſsary the ſame being consistent with and no wayes derogatory from those which ſhall be enacted in this & any other Seſsion of Parliament dureing her Majesties reigne And It is hereby Declared That the ſaid Meeting of Estates ſhall not have power to nominate the ſaid Succeſsor to the Crown of this Kingdom in the event aboveexpreſsed dureing the first Twenty dayes after their meeting Which twenty dayes being elapsed they ſhall proceed to make the ſaid nomination with all convenient diligence And It is hereby expreſsly Provided and Declared That it ſhall be high treaſon for any person or persons to administrat the Coronation oath or be witneſses to the administration thereof but by the appointment of the Eſtates of Parliament in manner abovementioned or to own or acknowledge any person as King or Queen of this Realme in the event of her Majesties decease leaveing heirs of her own body untill they have Sworn the Coronation oath and accepted the Crown in the terms of the Claim of Right, And in the event of her Majesties decease without heirs of her body untill they ſwear the Coronation oath and accept on the terms of the Claim of Right and of ſuch other conditions of government as ſhall be ſettled in this or any ensueing Parliament or added in the ſaid Meeting of Eſtates and be thereupon Declared and Admitted as above Which Crime ſhall be irremiſsible without consent of Parliament And because in the foresaid interval of twenty dayes betwixt the ſaid death and meeting of the Estates of Parliament in case there be no Parliament aſsembled for the time It is neceſsary that the administration of the Government be provided for in that interim Therefore It is hereby Declared That in case of the death of her Majestie or of any ſucceeding King or Queen of this Realm then and in all or either of the events abovementioned the foresaid Administration ſhall be in the hands of such of the members of the Estates of Parliament and ſuch members of the Privy Councill last in being as ſhall be at Edinburgh the time of the ſaid death or ſhall come to Edinburgh before the ſaid twentieth day and ſhall meet in the Parliament house there Which members of the Eſtates and the ſaid members of the ſaid Privy Councill are hereby Impowered to Sit and Act in the ſaid interim for preſerveing the peace and quiet of the Kingdom allennarly and till the ſaid meeting of the Eſtates and no longer Thirty of the ſaid members of the ſaid Eſtates and members of the former Councill being a quorum the plurality being allwayes of the Eſtates who were not of the former Councill And It is hereby further Statute and Ordained That all Commiſsions granted to the officers of State Lords of Thesaury and Exchequer Preſident of the Privy Councill and all other civill Commiſsions that are now granted dureing pleaſure ſhall by the decease of the King or Queen reigning become null and void Excepting Sheriffs Steuarts and Justices of Peace in their respective bounds And for a further Security of the Kingdom Her Majestie with advice and consent foresaid Statutes & Enacts That the whole Protestant Heretors and all the Burghs within the ſame shall furthwith provide themselves with fire arms for all the fencible men who are Protestants within their respective bounds and those of thebore proportioned to a bullet of fourteen drop weight running And the ſaid Heretors and Burghs are hereby Impowered and Ordained to Discipline and Exercise their ſaid fencible men once in the moneth at least The ſaid heretors allwayes takeing the oath of alleadgeance and aſsureance As alſo ſuch heretors or fencible men who are ſuspect of popery are hereby appointed when required to take the Formula mentioned in the Act of Parliament one thouſand ſeven hundreth and that before the Sheriff of the ſhire or any other Judge within whose Jurisdiction they reside And It is hereby likewayes Statute and Ordained That upon the decease of Her Majestie or any of her heirs or ſucceſsors the Commiſsions of all officers of the ſtanding forces above a Captain ſhall immediatly become void and null And that the Captains of the ſeveral troops and Companies and Lieutenants of those who ſhall have belonged to the Collonells Lieutennant Collonells and Majors do continue to command their respective troops and companies without extending their command any further under the pain of treaſon till further orders from the ſaid Estates or Committee in the interval And further Her Majestie with advice and consent foresaid Requires and Ordains all officers and souldiers who shall happen to be on dayly pay at the time of the decease foresaid to Continue in or immediatly repair to their respective garriſons & quarters and not to remove from thence but by order of the ſaid Estates or Committee abovementioned upon pain of treaſon And Lastly Her Majestie with advice and consent foresaid Rescinds Caſses and Annulls the Seventeenth Act of the Seſsion of Parliament one thouſand six hundreth and ninety six years and all other Laws and Acts of Parliament in so far as they are inconsistent with this Act.

The Marqueſs of Annandale's protestation against and Diſsent from this Act is Recorded at the beginning of this Sederunt at which time the ſame was made.

ACT anent the Supply of Six Moneths Ceſs upon the Land Rent

4 THE Estates of Parliament Takeing to their consideration the danger that ſtill threatens this Kingdom by reaſon of the continuance of the present war which viſibly requires the keeping up of the ſtanding forces and the ſupplies neceſsary for their maintainence and the repairing furniſhing and maintaining the forts and garriſons and outricking and maintaining the frigots imployed for defence of the coasts Do Therefore humbly and chearfully for themselves and in name and behalf of this Kingdom whom they represent make offer to her Majestie of the ſum of Four hundreth thirty two thouſand pounds Scots extending to Six moneths Ceſs Which new Supply is to be raised and uplifted out of the Land rent of this Kingdom in the ſame manner and conform to the proportion of the Shires and Burrows contained in the fifeteenth Act of the Parliament I^mo vije^o and one years Provideing allwayes That the proportion of Burghs be rated and payed as their taxt roll now is or ſhall be settled by themselves Which new Supply is to be payed at the terms following viz. Two moneths thereof the first day of September next Two moneths at Candlemaſs next and the last Two moneths thereof at Whitſunday next And her Majestie Considering that this new Supply is granted for ſuch neceſsary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons ſhall be exempted from payment of their proportion of this ſupply for their Lands upon any pretence whatſoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there for which mortified Lands and Lands of Newmills deduction is to be allowed in the quotas of the respective ſhires notwithstanding of any former Law or priviledge in the contrare And her Majestie with advice and consent foresaid Appoints the perſons contained in the Liſts which are to be given in this Seſsion of Parliament being allwayes qualified according to Law to be Commiſsioners for ordering and uplifting the ſaid ſupply With power to chose their own Clerk and to do every thing concerning the ſaid ſupply as is preſcribed and appointed by the foresaid act and other acts to which it relates holding the ſame as here repeated And ordains Execution to paſs for inbringing thereof as is provided by the ſaid acts in all points and ordains the first meeting of the ſaid Commiſsioners of ſhires to be at the respective head Burghs thereof the last Tuesday of August instant And Requires the Sherifs and Steuarts or their deputes to intimat the ſame to the Commiſsioners of their ſhires and ſteuartries with power to the ſaid Commiſsioners to appoint the ſubsequent diets of their meetings and their Conveeners from time to time As also to appoint Collectors with sufficient caution as they ſhall think fit And Committs to her Majesties Privy Councill upon the death or not Acceptance of the Commiſsioners of Supply appointed by this act to nominat and appoint others in their places And her Majestie with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Estates in relation to the inbringing of Ceſs and quartering and anent rideing money to ſtand in full force as to the ſupply now imposed as if they were herein expreſsed and were observed before the makeing of this act And It is hereby Declared that no persons whither Heretor or Collector lyable in payment of the ſaid ſupply ſhall be holden to produce their recepts or diſcharges of the ſame after three years from their respective terms of payment unleſs diligence be done therefore by denunciation within the ſaid three years In which caſe of diligence by denunciation a year farder is only added to the ſaid three years And none ſhall be holden to produce their recepts or diſcharges thereafter And becauſe by the Supply hereby granted The Land rent and Burghs of this Kingdom are only burdened And it being just that personal Estates in money ſhould bear ſome proportionall burden Therefore Her Majestie with advice and consent foresaid Statutes and Ordaines That every Debitor owing money within this Kingdom at Six per Cent. of interest ſhall in the payment of his annualrent have retention in his own hands of a twelvth part of Six per Cent. and this Retention to be from the term of Whitſunday laſt bypast exclusive to the term of Whitsunday next And It is Declared That it ſhall be usury for any Creditor to refuse to grant the ſaid retention And It is further Statute and Ordained That no part of the ſaid Supply be applyed to any other uses than those particularly above-expreſsed upon any pretence whatſoever And more especially that the clearance and arrears due to the forces on the preſent Eſtabliſhment for the fourteen moneths laſt paſt be payed to them punctually The one half thereof out of the two moneths ceſs payable at Candlemaſs, and the other half thereof out of the two moneths ceſs payable at Whitsunday next as above.

FOLLOWS the Commiſsioners of Supply Given in by the Noblemen and Commiſsioners for the ſeveral Shires as was ordered in Parliament.

For the Shire of Edinburgh

The Marqueſs of Tweeddale the Marqueſs of Lothian the Earl of Dalkeith the Earl of Lauderdale the Earl of Dalhouſsie the Earl of Ruglen the Earl of Cromarty the Earl of Roscberry the Viscount of Primrose the Lord Roſs the Lord Tor-

phichen the Lord Bellenden Sir John Lauder of Fountainhall Sir Robert Dundaſs of Arnistoun Mr Roderick Mackenzie of Prestounhall Lord Juſtice Clerk Sir James Steuart of Goodtrees Sir James Foulis of Colingtoun Sir Robert Dickſon of Inueresk George Lockhart of Carnwath Sir James Richardſon of Smeetoun Sir Patrick Nisbet of Dean Henry Nisbet younger thereof Sir John Ramsay of Whitehill Sir William Baird of Newbyth Sir James Baird of Saughtounhall Sir Alexander Gilmore of Craigmiller Sir John Foulis of Ravelſtoun Sir William Binning of Walyfoord Sir James Dick of Preſtounfield Sir James Dalrymple of Killoch Sir Thomas Moncrief of that Ilk Sir James Elphingstoun of Logie Sir James Macklurg of Vogrie Sir Alexander Brand of Brandsfield Sir John Clerk of Pennycook Sir Robert Chiesly of Bonnytoun Sir James Juſtice of Crichtoun John Hoppringle of Torsonce James Sommervell of Drum John Borthwick of Cruickston George Loch of Drylaw Sir Andrew Myreton of Gogar William Biggar of Woolmet James Murray of Deuchar Robert Preſtoun of that Ilk Muirhead of Linhouſe Cranstoun of Dewar Robert Craig of Riccartoun James Elies of Southside Hugh Wallace of Inglistoun Foulis of Ratho Mr William Foulis of Woodhall Robert Watson of Muirhouse Mr John Meinzies of Cambo Alexander Brand of Castlebrand Mr James Oliphant of Langtoun the eldeſt Baillie of Muſselburgh the eldeſt Baillie of Dalkeith Mr Patrick Craw of Heughead Mr David Forbes of Newhall Advocat Mr John Mitchelſon of Middleton Advocat Mr John Fairholme of Babertoun Advocat Henry Bothwell of Glencorse Collonell Wiſheart of Cliftounhall Archbald Burnet of Carlips Mr James Smith of Whitehill Mr Adam Wat of Roſehill Mr David Pitcairn of Dreghorn Mr George Alexander of Peppermill Jasper Johnstoun of Wariestoun William Turnbull of Currie Mr John Mackenzie of Cramond George Warrander of Bruntsfield Thomas Inglis of Mannerhead George Pringle of Haltree William Morison of Prestoungrange the Laird of Mortounhall James Deans of Woodhouſlie Andrew Houſtoun of Calderhall Edward Marjoribanks of Halyeards Mr John Mitchell of Alderstoun Robert Gray of Wariestoun the Laird of Libbertoun William Martine of Harwood the Baillie of the Regality of Muſsilburgh Robert Barr of Coſterstoun the Duke of Argill the Lord Yeſter the Earl of Haddington Lord Charles Kerr Sir Patrick Home of Rentoun John Dalrymple younger of Killoch Lauder younger of Fountainhall the Provost of Edinburgh for the time John Clerk younger of Pennycook John Inglis of Auchindine Walter Welch of Lochherret James Steuart younger of Goodtrees the Maſter of Roſs Mr William Johnstoun of Sheens.

For the Shire of Haddingtoun

The Marqueſs of Tweeddale the Earl of Wintoun the Earl of Roxburgh the Earl of Haddingtoun the Earl of Hopetoun Lord Yeſter the Viſcount of Kingstoun the Viſcount of Primrose the Lord Elibank the Lord Belhaven the Lord Blantyre Lord David Hay Lord Alexander Hay the Master of Belhaven Sir James Hall of Dunglaſs Sir John Hepburn of Blackcaſtle White of Crichneſs Wauchop of Stotincleugh elder Wauchop of Stotincleugh younger Ludovick Cant of Dryburnfoord Cant of Thurstoun Alexander Gordon of Woodhall Sir Robert Sinclair of Longformacus Mr Andrew Oswald portioner of Eaſtbarns Purves of Ewfoord younger Sir Robert Lauder of Beilsmouth Sir Alexander Anstruther William Sandilands portioner of Eaſtbarns James Hamilton of Hetherwick Home of Gemmilſhiells the Laird of Hiltoun the Laird of Bourhouſes the Laird of Poppilhall the Laird of Whitelaw Sir John Home of Blackadder the Laird of Pilmure Sir Andrew Ramsay of Waughtoun Sir Francis Kinloch of Gilmertoun the Laird of Beanstoun Alexander Miller of Gourlabank Sir David Dalrymple of Hailles Richard Miller of Farnyſhott Sir William Baird of Newbyth William Broun of Dalgourie the Laird of Lamingtoun Sir John Clerk of Pennycook Mr John Clerk younger of Pennycook Sir John Hay of Alderſtoun Mr James Dods portioner of Nungate the Laird of Beerfoord George Seaton of Barns Sir Robert Sinclair of Stevenson John Sinclair younger of Stevenſon Patrick Cockburn of Clerkingtoun Doctor George Stirling of Lethem David Forrest of Gimersmill Sir George Seatoun of Gairletoun the Laird of Nunraw elder the Laird of Nunraw younger Douglaſs of Garvald John Hay of Hopes Sir Robert Hay of Lymplum Sir Richard Newtoun of that Ilk James Chriſtie of Newhall Halyburtoun of Egliscarnie the Laird of Saltoun Doctor Sinclair of Hermistoun James Hamilton of Pencaitland Sir John Lauder of Fountainhall John Lauder younger of Fountainhall Adam Cockburn of Ormiſtoun John Cockburn younger of Ormiestoun David Hepburn of Humbie John Hepburn younger of Humbie the Laird of Keith David Maitland of Soultray Joſeph Douglaſs of Ethringtoun Skirving of Plewlandhill Sir Peter Wedderburn of Goſsfurd Adam Durhame of Lufnes the Laird of Dirletoun the Laird of Congiltoun the Laird of Saltcoats the Laird of Colledgehead Sir Hugh Dalrymple of Northberwick Sir George Suttie of Balgon Broun of Cleghornie Sir John Ramsay of Fauside Sir William Paterſon of Grantoun John Paterſon younger of Grantoun Hamilton of Olivestob Mr James Hamilton younger of Olivestob Doctor Oswald of Preſtoun the Laird of Preſtoun-

grange Sir William Binnie of Walyfoord Young of Winterfield Lothian of Belſhes Blackwood of Leſtoun Jackſon of Lochhouſes John Doull of Underedge Robert Kellie Baillie of Dunbar.

For the Shire of Berwick

The Marqueſs of Tweeddale the Earl of Home the Earl of Haddington the Earl of Lauderdale the Earl of Marchmont Lord William Hay of Corsbay Lord Maitland Lord Polwarth Lord Roſs Sir Hugh Dalrymple of Northberwick Mr William Hay of Drummelzior Sir Andrew Home Sherif depute Lord Croſsrig Sir Robert Sinclair of Longformacus Sir John Home of Blackadder Sir John Swintoun of that Ilk Sir Patrick Home of Rentoun Sir James Hall of Dunglaſs Sir James Don of Newtoun Sir William Scot of Harden Sir John Pringle of Stitchell Sir Robert Home of Rentoun Sir William Purves of that Ilk Sir Gilbert Elliot of Headſhaw Sir Robert Steuart of Allanbank Sir Patrick Scot of Ancrum Sir David Dalrymple Sir George Nicolſon of Kemney Sir George Home of Kello the Laird of Wedderburn younger the Laird of Kimmerghame the Laird of Cavers the Laird of Lamertoun George Baillie of Jerviſwood George Lockhart of Carnwath the Laird of Hiltoun the Laird of Kaimes Collonell Charles Swintoun of Mersingtoun Mr John Spotiswood of that Ilk the Laird of Wedderlie the Laird of Thornidike the Laird of Tofts the Laird of Houndwood the Laird of Eymouth the Laird of Linthill the Laird of Mortounhall George Home of Whitefield Pringle of Torſonce the Laird of Ednem the Lairds of Littledean elder & younger Alexander Home of Berriehaugh the Laird of Greenknow the Laird of Coldinghame-law the Laird of Belcheſter Ker of Blackburn William Cockburn of Caldraw the Laird of Coldingknows Alexander Trotter of Kettleſhiell Halyburton of Newmaines Areſkine of Shielfield Trotter of Eaſtend of Fogo the Laird of Baſsendane Craw of Netherbyres Edgar of Newtoun Craw of Heughhead the Lairds of Bimerside elder and younger Home of Boſtenrig Home of Bell Marjoribanks of Didrig Douglaſs of Edringtoun Home of Sclathouse Fish of Castlaw Rentoun of Billie Home of Whitehouſe the Laird of Laughtoun Reidpath of Angleraw Nicolſon of Trabroun James Pringle of Rigg Logan of Burncaſtle Home of Fairniſide Home of Blackburn Spens of Spensesmaines Reidpath of Byrecleugh Captain Cockburn in Dunce Mr John Home younger of Rentoun Mr William Johnſtoun of Hoperig.

For the Shire of Roxburgh

The Marqueſs of Lothian the Earl of Dalkeith the Earl of Roxburgh the Earl of Haddingtoun the Lord Cranstoun Sir Walter Riddell of that Ilk Sir William Ker of Greenhead Sir Gilbert Elliot of Stobbs Sir William Bennet of Grubbet Sir John Scot of Ancrum Sir John Pringle of Stitchell Sir James Don of Newtoun Sir Gilbert Elliot of Minto Sir William Scot of Harden Sir Patrick Scot of Ancrum Sir Alexander Don of Rutherfoord Sir James Scot of Gala Andrew Ker younger of Greenhead William Bennet younger of Grubbet Ker of Littledean Walter Ker younger of Littledean William Ker of Chatto William Ker younger of Chatto Andrew Pringle of Cliftoun Robert Pringle younger of Cliftoun Henry Ker of Frogden William Ker of Newtoun Archbald Douglaſs of Cavers Scot of Horsliehill Scot of Reaburn Robert Scot of Eliestoun Don of Smellum Scot of Gottenburry Robert Scot of Hasendane William Douglaſs of Bonjedburgh Douglaſs of Tinpindean William Ainslie of Blackhill Thomas Rutherfoord of Wells Robert Elliot of Midlummill George Rutherford of Fernintone, John Halyburton of Muirhouſelaw Gideon Scot of Heycheſters Andrew Edmiſtoun of Ednem John Ker of Cavers Patrick Murray of Chirietrees William Scot of Thirlestone Gideon Scot of Faneash William Elliot of Bewlie Robert Gladſtones of that Ilk William Elliot of Hardwood Robert Langlands of that Ilk Thomas Scot of Whiteslide Gilbert Elliot of Staneledge William Ker of Abotrule Gideon Elliot of Northsintone William Scot of Clarilaw Archbald Bennet of Cheſters Francis Scot of Newtoun William Elliot younger of Suniside John Scot of Well Walter Scot younger of Well George Baillie of Jerviswood George Douglaſs of Friershaw William Eliot of Thorliſhop Robert Rutherfoord of Caphope John Simpſon of Sharplaw Mr John Murray of Bowhill Francis Gladſtones of Whitelaw Captain Steuart of Hartrige William Don of Woodside William Turnbull of Tofts Cheſters elder.

For the Shire of Selkirk.

Sir James Murray of Philiphaugh one of the ſenators of the Colledge of Juſtice Mr William Hay of Drummelzior Sir Francis Scot of Thirleſtane Sir Gilbert Elliot of Headſhaw Sir William Scot of Harden Sir James Scot of Gala Mr John Murray of Bowhill Mr John Pringle of Haining Thomas Scot of Whitsled Gideon Scot of Heycheſters James Pringle of Torwoodlie James Murray of Deuchar Robert Rutherfoord of Bowland James Murray of Sundhope William Plumber of Middlefteed John Balfour of Broadmeadows John Scott of Gilmerscleugh Robert Rutherfoord of Fairnielie Mr William Scot younger of Thirleſtane,

Francis Scot of Baillilies Mr John Rutherfoord of Ruik Michael Andieſon of Tuſhielaw John Hay of Haystoun Alexander Horſeburgh of that Ilk William Chisholme of Broadlies William Ogilvie of Hartwoodmyres James Cunninghame of Hyndhope William Elliot of Borthwickbrae William Currer of Howdoun George Currer of Hartwoodburn Robert Scot of Kershope Walter Scot of Todrig William Lowes of Plora Robert Scot of Eliestoun Walter Scot younger of Wooll Baillie to the Dutcheſs of Buccleugh or her Graces Baillie for the time Baillie of Eſhieſteel Mr William Chiſholme of Stirkſhaws for the lands of Philip Andrew Wauch of Shaw the eldest Baillie of the Toun of Selkirk for the time.

For the Shire of Peebles

The Earl of March Mr William Hay of Drummelgear Sir Alexander Murray of Blackbarrony Sir David Murray of Stenhope Sir John Clerk of Pennycook James Naſmith of Poſso John Hay of Hayſtoun John Dickſon of Hartree John Dickſon of Whiteslade George Huntar of Polmood Patrick Porteous of Halkſhaw Richard Murray of Spittlehaugh John Murray of Cringeltie Robert Graham elder of Slipperfield Doctor Pennycook of Romanno Alexander Horſeburgh of that Ilk David Plenderleith elder of Blyth James Williamson of Cardronna the Provost of Peebles for the time William Moriſon of Preſtoungrange Alexander Baillie of Callends Alexander Monteith of Chapplehill Alexander Veitch of Glen William Burnet of Barns William Douglaſs younger of Garrolfoot Mr James Naſmith of Daik James Geddes of Kirkurd James Broun of Scotstoun Walter Murray of Hallmyre Mr William Ruſsell of Kingſeat Thomas Tweeddie of Olifer Robert Tweeddy of Kingledoors William Porteous of Glenkirk William Dickſon of Kilbucho Robert Grahame younger of Slipperfield William Little of Stewartoun Adam Little of Winkstoun David Scot of Houndilſhope James Chisholme younger of Harehope James Williamson of Bridgelands James Cranſtoun of Glen.

For the Shire of Lanerk

The Duke of Hamilton the Earl of Wigtoun the Earl of Selkirk the Earl of Aberdeen the Earl of Forfar the Earl of Eglintoun the Earl of Ruglen the Earl of Hyndfoord the Earl of Hoptoun the Lord Blantyre the Lord Carmichael the Laird of Lammingtoun the Laird of Mauldislie the Laird of Lee the Laird of Carnwath Sir William Lockhart of Carſtairs the Laird of Walstoun the Laird of Waſtſhiell the Laird of Culteraws the Lord Halcraig the Laird of Cultermaines the Laird of Wiſtoun and Cleghorn the Laird of Jervifwood Sir William Meinzies of Gledſtains Alexr Bartram of Niſbet Broun of Dolphingtoun John Somervell of Spittle Muirhead of Persilands Walter Lockhart of Kirktoun the Laird of Stonebyres the Laird of Auchtifordell Samuell Douglaſs of Hiſleſide Mr Andrew Kennedy of Cloburn Sir George Weir of Blackwood the Laird of Craignethen the Laird of Udſtoun Sherif depute the Laird of Wicketſhaw Lockhart of Birkhill Claud Mackmorran of Glaspen Inglis of Eaſtſhield Carmichael of Eaſtend Broun of Lindsaylands Dickſon of Hartree the Laird of Corhouse Mr David Carmichael of Corfoord the Duke of Douglaſs's Baillie dureing minority one of the Magistrats of Lanerk the Provoſt of Glasgow for the time the Lord Whitelaw the Laird of Torrence Sir William Fleeming of Ferme the Laird of Aikenhead the Laird of Caſtlemilk the Laird of Cultneſs the Laird of Wiſhaw the Laird of Stevenstoun younger of Cambusnethen the Laird of Rosehall Sir John Schaw of Greenock the Laird of Murdiſtoun the Laird of Dalziell the Laird of Carphin the Laird of Clelland the Laird of Bradiesholme the Laird of Garnkirk John Crauford of Milltoun the Laird of Airdrie the Laird of Rughſoles John Stark of Auchinvole the Laird of Towcorse the Laird of Borrowfield the Laird of Jordanhill the Laird of Bedlay the Laird of Ferm younger the Laird of Dalserfe the Laird of Bogs James Anderson of Stobcroſs the Laird of Munkland the Laird of Earnock Mr Hugh Corbet of Hargray William Clelland of Herſhaw William Baillie of Glentewen John Wardrop of Dalmarnock John Wardrope of Weſtthorn James Hamilton of Green James Hamilton of Blanterferme Robert Cunninghame of Gilbertfield Gavin Hamilton of Hill the Laird of Weſtburn William Hamilton of Orbieſtoun James Hamilton younger thereof Mr John Birnie of Broomhill Mr Thomas Aikman of Roſs and Brimletoun the Sherif deputes for the time one of the Baillies of Hamilton John Hamilton younger of Halcraig Roſehall younger William Hamilton of Overtoun James Ruſsell of Gartneſs William Cullen of Sauchs William Weir of Sunnieside John Baillie of Woodside James Muir of Corsbaſket George Hamilton of Brouncaſtle the Laird of Cairnhill younger James Young of Netherfield James Cochran of Priestgill Andrew Hamilton of Parkhead James Hamilton of Newtoun Archbald Hamilton of Carnock brother to Weſtburn the Laird of Dougalstoun Doctor Wright of Faſkine William Smith of Brouſterland William Somervell of Kennoch, James Lindſay of Mauchlinhole John Lermont of Newholm William Hamilton of Greenhead brother to Dalziell William Bartram of Niſbet younger the Laird of Aikenhead younger the Laird of Walwood younger of Udſtounhead Walter Hamilton of Shatounhill James Somervell of Glenhove the Laird of Allantoun John Gibſon of Weſtoun the Laird of Shielhill John Weir of Newtoun Colin Campbell of Woodside Hutchieſon of Threwburn.

For the Shire of Nithisdale and Dumfreis

James Duke of Queensberry William Marqueſs of Annandale James Earl of Dalkeith David Viscount of Stormont Sir Robert Grierson of Lag William Grierson younger of Lag Sir Thomas Kirkpatrick of Closeburn Thomas Kirkpatrick younger thereof Sir James Douglaſs of Kelhead William Douglaſs younger thereof Sir John Jarden of Aplegirth Sir Patrick Maxwell of Sprinkell Sir Walter Laury of Maxwelltoun Sir John Johnstoun of Weſterhall William Douglaſs of Dornock James Douglaſs younger thereof John Sharp of Hoddam Mr Alexander Fergusone of Isle Alexr Fergusone of Craigdarroch William Johnſtoun of Corhead James Grierſon of Capinoch William Johnstoun of Grantoun Andrew Johnſtoun of Newtoun George Maxwell of Carnſalloch George Maxwell of Dalſwintoun Robert Murray of Drumcrief Robert Johnſtoun of Wamphray James Wallace of Cargeild George Carruthers of Holmaines William Coupland of Coleſtoun Johnſtoun of Selkerth William Carruthers of Brakenside Carruthers of Dormont Mr William Grahame of Mosknow James Carruthers Chamberland to the Duke of Queensberry James Wilſon of Croglin George Wilſon of Spango James Kirk of Bogrie William Irvine of Bonſhaw James Carruthers of Wormanbie John Maxwell of Middlebie John Bell of Crowdieknow Collonell Thomas Dalziell of Beatfoord Walter Riddell of Frierſhaw John Dalrymple of Watterside William Elliot of Arkletoun William Irvine of Auchenbedrig Robert Maxwell of Portract Mr John Cunningham of Borſhaw William Fergusone of Caitloch George Murray of Moriewhat William Johnſtoun of Bearholm William Alves ſherif depute of Dumfreis George Johnstoun of Girthhead ſteuart depute of Annandale Archbald Douglaſs of Fingland Chamberland to the Duke of Queensberry William White Chamberland to the Marqueſs of Annandale John Melvill Chamberland to the Earl of Dalkeith Gilbert Coupar Chamberlain to the Viscount of Stormont the Provost of Drumfreis for the time James Fergusone of Four merk land James Grahame of Schaw Mr William Johnſtoun brother to Sir John Johnſtoun John Johnſtoun of Persbiehall.

For the Shire of Wigtoun

The Earl of Galloway the Earl of Stair Lord Dalrymple Mr William Steuart of Caſtlesteuart Mr John Steuart of Sorbie Sir James Agnew of Lochnaw Sir Charles Hay of Park Sir William Maxwell of Munreith Sir James Dunbar of Mochrum Alexander Mackdowall of Garthland Robert Mackdowall of Logan elder John Mackdowall of Logan younger Patrick Mackdowall of Freuch Mr Alexander Adair of Drummoir John Blair of Dunskie elder John Blair of Dunskie younger Andrew Agnew of Shewchen Robert Cathcart of Gannoch James Dalrymple of Dunragat William Maxwell of Munreith younger James Mackdowell of Gillespie William Steuart of Caſtlesteuart younger James Gordon of Craiglaw younger David Gordon of Barnarnie Thomas Steuart of Fintilloch William Gordon of Grange George Mackculloch of Torries William Coltran of Drumorrall Andrew Agnew of Lochryan Alexander Agnew of Mairton Patrick Vaſs of Barnbarrough Alexander Murray of Brughtoun William Agnew of Wig George Steuart of Tundergie William Houſtoun of Cultreoch younger John Steuart of Phisgill elder David Steuart of Phisgill younger George Mairtoun of Cutcloie John Adair of Gennoch Alexander Mackie of Palgoun Andrew Agnew of Whitehills James Dalrymple of Dunraggat younger John Nilſon of Craigcaffie John Murdoch Provost of Whitehorn Mr Andrew Roſs of Barsalloch John Grierſon in Baldown John Mackie of Barraur.

For the Shire of Air

The Earl of Eglintoun the Earl of Loudoun the Earl of Kilmarnock the Earl of Glaſgow the Viscount of Garnock Sir Robert Montgomery of Skelmorlie John Birsbaine of Biſhoptoun James Montgomery of Third part Archbald Ballantine of Kellie Patrick Hunter of Hunterstoun Boyd of Pencorse James Cunninghame of Carlung Major Hugh Buntein of Kilbride William Birsbain of Montfood John Fairlie of Caldwell Mr Adam Cunninghame of Munkcaſtle John Park of Dubs William Cunninghame of Auchinyeards Thomas Mackgown of Smithstoun Francis Baillie the Laird of Blair Thomas Boyd of Pitcone Richard Cunninghame of Bedland Blair of Giffordland John Ker of Kersland John Hamilton of Ladyland Mr Francis Montgomery of Giffen Mr John Montgomery his ſon Gavin Ralſtoun of that Ilk Hamil of Rughwood James Cochran of Mainshill Hamilton of Brumer Sir John Schaw of Greenock Peibles of Craufield Major James Cunninghame of Aiket Alexander Cochran of Bonſhaw James Montgomery of Langſhaw Sir David Cunninghame of Millcraig Arnot of Lochrig Alexander Porterfield of that Ilk Sir William Cunninghame of Cunninghamehead Pearstoun elder Pearstoun younger Mr Alexander Cunningham of Collelland Adam Fullertoun of Bartounholme Mr Zacharias Gemmill of Bogside Mr Alexander Crauford of Fergusſhill Hugh Montgomery of Broomlands Charles Dalrymple of Langlands Hugh Montgomery of Buſbie John Crauford of Craufordland Alexr Montgomery of Asloace John Cunninghame of Caddell Thomſon of Sevenacres Mr John Campbell of Shankstoun Mr William Dalrymple of Glenmure Mr William Logan of that Ilk Charles

Campbell of Glesnock Hugh Douglaſs of Gairallan John Campbell of Horscleugh James Riddoch of Midtoun Hugh Montgomery of Borland David Boswall of Auchinleck elder Mr James Boiswall of Auchinleck younger John Cochran of Waterside David Boswall of Crechſton John Beg of Dornall Sir John Cochran of Ochiltrie elder Mr William Cochran of Ochiltrie younger John Chalmers of Bonetoun Alexander Cunninghame of Polquhairn John Miller of Glenly Allan Maſter of Cathcart Mr Charles Cathcart ſon to the Maſter of Cathcart John Earl of Stair John Lord Dalrymple Sir David Cunninghame of Millcraig William Fullertoun of Craighall John Blair of Adamton elder John Blair of Adamton younger William Baillie of Muretoun Fullertoun of that Ilk Alexander of Blackhouse Wallace of Shoualton Fairlie of that Ilk Mackerell of Hillhouse Hugh Montgomery of Colsfield John Cunninghame of Enterkine Sir Thomas Wallace Wallace of Cairnhill George Roſs of Gaistoun Sir Alexander Campbell of Ceſsnock Robert Niſbet of Greenholme Sir James Dalrymple of Killoch John Reid of Balluchmill Mungo Campbell of Netherplace Adam Aird of Catrin James Farquhar of Gilmilscroft Campbell of Achmanoch Mitchell of Dalgain John Mitchell of Daldilling William Cunninghame of Brounhill elder William Cunninghame of Brounhill younger George Campbell of Netherwood Samuel Mure of Park preſent Provoſt of Air Crauford of Kers John Chalmers of Gadgirth William Kelso of Dankeith Wallace of Camciscan James Campbell of Tresbank Andrew Broun of Knockmarleoch James Marquels of Montrose Campbell of Little Ceſnock James Cathcart of Carbeſtoun Robert Cathcart of Drumjoan the Earl of Ruglen the Lord Bargany Hugh Kennedy of Bennan Fergus Mackibbine of Knockdolian Robert Eccles of Kildonan James Crauford of Ardmillan Robert Boid of Trochreg Alexander Boid of Pinkill Sir Hugh Cathcart of Carletoun Sir Thomas Kennedy of Kirkhill Alexander Kennedy of Drumellan Sir John Ferguſon of Kilkerran David Kennedy of Kirkmichael Brice Whitefoord of that Ilk Sir Adam Whitefoord of Blairquhan George Mackenzie of Dalvennan Mr George Hutcheson of Munkwood Hugh More of Auchindrain Montgomery of Bridgend James Crauford of Newwark Allan Chalmers of Sauchrie Sir Archbald Kennedy of Colzean John Mackilvain of Grimet Alexander Kennedy of Kilhingie William Kennedy of Daljarvock John Kennedy of Colzean younger Shaw of Over Grimmet Alexr Crauford of Kerse John Crauford of Craufordland Mr William Crauford of Daleagles James Crauford of Newwark John Crauford of Keirs Andrew Crauford of Craufordſtoun Hugh Crauford of Drumdow Charles Barcley of Busbie Mr Alexander Crauford of Fergushill Patrick Crauford of Killoup John Crauford of Oldmure Broun of Knockmarloch.

For the Shire of Dumbartane

The Duke of Argyll the Marquels of Montrose the Earl of Wigtoun the Viſcount of Garnock the Lord Blantyre Mackfarland of Arquhar Mackfarland of Gartovertan Sir Humphray Colquhoun of Luſs the Laird of Pluſcarden Mr John Campbell of Mammore Sir John Campbell of Carriet and the Laird of Carriet younger Archbald Campbell of Rachean Daniel Campbell of Ardintinie the Laird of Arncapell the Lairds of Colgreen elder and younger Thomas Whitehill of Keppoch the Laird of Drumhead the Laird of Geilstoun the Laird of Kilmahew the Laird of Darleith the Lairds of Airdoch elder and younger the Laird of Tillecheun Sir James Smollet of Bonhill the Laird of Bonhill younger the Laird of Kilmaronock the Laird of Gleneagles Robert Grahame of Gallengaid the Laird of Drumakill John Colquhoun of Camstrodan John Buchannan of Spittell younger the Laird of Barns the Laird of Hutcheſon Commiſsar Spreul of Milltoun the Laird of Garscadden Walter Buchannan of Auchintoſhen the Laird of Maines William Boyd of Woodmill the Laird of Succoth Walter Grahame of Kilmerdinie John Hamilton of Balloch Sir John Houſtoun of that Ilk Mr Henry Marshell of Nethercroy William Stark of Dulator Thomas Calder of Shirury Alexander Wardlaw factor to the Earl of Wigtoun.

For the Shire of Bute

The Duke of Hamilton the Duke of Argyll the Earl of Eglintoun the Earl of Glasgow the Earl of Bute Mr Robert Steuart of Tillicultrie one of the Senators of the Colledge of Juſtice Hector Bannatine of Kaimes Mr Dougald Steuart of Blairhall Mr William Steuart of Ambriſmore John Steuart of Kilwhinlick Mr John Steuart of Ascog Walter Steuart of Mecknoch Donald Campbell of Auchiwilling John Mackniel of Kilmorie Robert Mackurdie of Kirriemenoch James Boill of Bellikewn John Glaſs of Midaſcog Donald Mackonnachie of Ambrisbeg Robert Bannatine of Lubas Archbald Maccaw of Garachtie James Steuart of Kildonane Robert Steuart of Lochlie Archbald Steuart Sherif depute of Bute the Magiſtrats of Rothesay for the time the Earl of Bute ſherif principal and in his abſence his ſherif depute Conveener the Dutcheſs of Hamilton's Baillie of Arran for the time Hamilton of Coats and Mackloy.

For the Shire of Renfrew

The Marquels of Montrose the Earl of Glencairn the Earl of Eglintoun the Viſcount of Garnock

the Lord Semple the Lord Roſs the Lord Blantire the Maſter of Roſs Archbald Ballantine of Kellie Sir Archbald Steuart of Blackhall Mr John Steuart younger thereof Sir William Steuart of Castlemilk Sir John Shaw of Greenock Thomas Crauford of Craufordsburn Mr William Cochran of Kilmaronock Alexander Porterfield of that Ilk Cunninghame of Carncurran John Birſbane of Biſhoptoun younger John Maxwell of Dargavell George Maxwell of Southbar James Mackgilchriſt of Northbar John Graham of Dougalstoun Sir John Houſtoun of that Ilk Patrick Fleeming of Barrochan Alexander Porterfield of Fullwood William Cunninghame of Craigends George Houſtoun of Johnstoun Robert Semple of Beltrees younger Alexander Napeir of Blackſtoun Alexander Hamilton of Bar younger Gavin Ralſtoun of that Ilk William Blair of that Ilk James Cochran of Mainshill Ludovick Houſtoun younger of Johnstoun William Cochran of Fergusſlie Alexr Cochran of Craigmure one of the Baillies of Paisley James Dunlop of Houshill Hugh Crauford of Woodside Robert Alexander of Newtoun Laurence Crauford of Jordanhill William Walkinſhaw of Scotstoun Robert Hall of Fulbar Coline Campbell younger of Blythswood John Walkinſhaw younger of Walkinſhaw Sir John Maxwell of Netherpollock Robert Sanders of Auldhouſe . Hamilton of Aikenhead younger John Leckie of Newlands . Maxwell of Williamwood Mr John Montgomery of Wrae Sir Robert Pollock of that Ilk Doctor George Oswald of Fingletoun Thomas Pollock of Balgray John Fairlie of Caldwell William Cochran younger of Ochiltree William Muir of Glanderſtoun Sir Robert Montgomery of Skelmorlie John Wallace of Neilstounside the Laird of Orbieſtoun elder Robert Semple of Balgreen ſherif depute of Renfrew.

For the Shire of Stirling

The Duke of Hamilton the Marqueſs of Montrose the Earl of Mar the Earl of Wigtoun the Earl of Roxburgh the Earl of Hopetoun the Lord Elphinston the Lord Forreſter the Maſter of Elphinston Mr William Livingstoun of Kilsyth the Lairds of Keir Touch Polmais elder and younger Carden elder and younger Greenyeards Nairn, Airth Powfouls Orchyeardhead Waſtertoun Abbotshaugh Quarrell Kinnaird Stenhouse Kers Carsiebank John Bouie of Saltcoats Bearcrofts John Kincaid of Saltcoats Milhall Longcroft Manwelfoules Parkhall Dalquhairn Balmullier Bantaſkine the Earl of Linlithgow's Chamberland James Burn of Clerkstoun Patrick Bellenden of Parkend Dunipace Garvell Sauchie Seabegs Bantone Glorat Craigbarnet Kirktoun Balquharrage Bardowie elder and younger Dougalstoun Drumnakill Killearn elder and younger Duntreath Arnpryor Craigavern Badendalloch Balglaſs Balgair Crominnan Antermeanie Woodhead Dalnair elder and younger Balquhappel elder and younger Spittle elder and younger Duchray elder and younger Auchinmar Halbertſhire elder & younger Gleneagles Alva Buchlivie Daſher Broich elder and younger Buquhan elder and younger Leckie Craigforth elder and younger Meiklewood elder and younger Inuerallan Livielands eaſter and weſter, Powhouſe Sir Thomas Nicolſon John Haldane of Myrtoun Thomas White of Kavercad the Laird of Nuick Mr Francis Naper of Craighannet John Forreſt of Pardovan Sir James Dunbar Woodside Luſs Bagonie Carsie Raſhiehill One of the Magiſtrats of Stirling Lieutennant Collonell John Erſkine Greenyeards Livingstoun.

For the Shire of Linlithgow

The Duke of Hamilton the Marqueſs of Montrose the Marqueſs of Annandale the Earl of Buchan the Earl of Ruglen the Earl of Stairs the Earl of Roſeberry the Earl of Hopetoun the Lord Fincastle the Lord Torphichen Lieutennent General Ramsay of Carriden Sir William Hamilton of Whitelaw Sir Thomas Dalziell of Bins the Laird of Dundaſs the Laird of Dudingstoun the Laird of Manner the Laird of Houstoun the Laird of Dechmount the Laird of Wrae Sir Thomas Nicolſon of Balcaſkie Sir Robert Sibbald of Kips the Laird of Eaſt Binning the Laird of Weſt Binning the Laird of Auldcathie the Laird of Grange the Laird of Bonhard the Laird of Barbachlay the Laird of Bedlormie the Laird of Polkemmet the Laird of Poteſchaw Sir John Houſtoun of that Ilk the Laird of Bangour the Laird of Pumpherstoun the Laird of Kilpont the Laird of Langcroft the Laird of Lochcoat the Laird of Batherstoun the Laird of Carribber the Laird of Carloury the Laird of Philpstoun the Laird of Parkley the Laird of Craigtoun the Laird of Kettlestoun the Laird of Blackcraig the Laird of Weſtport the Laird of Straitoun the Laird of Couſtoun the Laird of Brieſtmill the Laird of Leuchell the Laird of Duntervie the Laird of Walhouse the Laird of Balbairdie John Binning of Byres James Auchinleck of Woodcockdale the Laird of Pardovan the Laird of Newhalls Samuel Wilſon of Plewland.

For the Shire of Perth

The Duke of Athol Lord Privy Seal the Duke of Argyll the Marqueſs of Montrose the Marqueſs of Tullibardin the Earl of Buchan the Earl of Murray the Earl of Strathmore the Earl of Leven the Earl of Airlie the Earl of Northeſk the Earl of Broadalbin the Earl of Dunmore the Earl of Hopetoun the Earl of Roſeberry the Viſcount of Stormont the Viſcount of Duplin the Lord Elcho Lord James Murray the Lord Rollo the Lord Colvill the Lord Nairn the Lord Kinnaird Mr Joſeph Austin of Kilspindie Henry Balnaves of Rotmell James Baird of Blair Alexander Blair of Inſhiray John Blair of Kinfanes James Blair of Arblair John Blair of Balthaick John Blair of

Glesclune Mungo Buchannan of Hiltoun David Campbell of Kethick James Campbell of Balgersho Campbell of Ardewnoch Alexander Campbel of Finab Mr John Campbel of Mammore Campbel of Glenfalloch Patrick Campbel of Monzie Colin Campbel of Lochlan Mungo Campbel of Burnbank Campbel of Aberuchill Campbel of Lawers Henry Cheap of Roſsie James Coupar of Lochblair Henry Crauford of Monorgan Laurance Craigie of Kilgirston Mr James Craigie of Dumbarnie Adam Drummond of Megginsh Thomas Drummond of Logie George Drummond of Blair John Drummond of Culqualzie George Drummond of Callander David Drummond of Inuermay William Drummond of Machany John Drummond of Pitkelleny younger George Drummond of Bellicion John Drummond of Keltie Alexander Drummond of Balhadie Alexander Duncan of Lundie Patrick Edmiſton of Newtoun William Edmiſton of Cameswallace John Edmiſton of Coldoch Lieutennent Collonell John Erskine of Carnock John Erskine of Balgonie David Fothringhame of Bandone Thomas Fleiming of Moneſs John Fullerton of that Ilk Forreſter of Millhill William Foot of Weſter Glenſherop John Foot of Eaſter Glenſherop Robert Fyfe of Dron Mr Archbald Givan of Buchaple Patrick Grant of Bonhard John Gray of Creichie David Grahame of Potento Mungo Grahame of Gorthy James Græme of Orchill Thomas Græme of Balgouan James Græme of Garvock George Græme of Pitcairns George Græme of Inchbrakie Thomas Græme of Duchray John Græme of Reidford John Græme of Gartur Mr John Græme of Buchaple Mr James Græme of Newtoun Walter Græme of Drunkie David Græme of Rachalloch John Haldan of Gleneagles John Haldan of Lenrick Hay of Leyes Sir John Hay of Muirie John Hay of Pitfour Hay of Strowie Herring of Callie Sir James Kinloch of Kinloch John Keir of Kilmonth Kinloch of Gourdie Sir Alexander Lindsay of Evlick Mr Francis Montgomery of Giffan Sir Patrick Murray of Ochtertyre John Murray of Strowan Mr James Murray of Glencarſs Sir John Murray of Glendoick Sir Andrew Murray of Inchmurray Andrew Murray of Murrayshall William Murray of Abercairnie Patrick Murray of Dollarie Anthony Murray of Dollarie Mr William Murray of Arbenny David Murray of Arbenny Hugh Mackgill of Weſt Grange Thomas Milne of Milnefield Alexander Meikieſon of Hill Sir Alexander Meinzies of that Ilk Archbald Meinzies of Glenlyon Captain James Meinzies of Comrie Alexander Meinzies of Gairth Alexander Meinzies of Shian Sir Thomas Moncrief of that Ilk Thomas Moncrief fiar of that Ilk David Moncrief of eaſter Rind Moncrief of Culfargy Moncrief of Tippermalloch Maxtoun of Cultuquhy John Nairn of Seggieden Thomas Nairn of Kirkhill George Oliphant of Claſhbenny James Oliphant of Williamſton Oliphant of Bachilton Oliphant of Carpow David Oliphant of Cultuchar Oliphant of Pitkethlie James Pearſon of Kippenroſs Paterson of Cragie Sir George Preſtoun of Valeyfield Sir James Ramsay of Bamf James Ramsay of Newtoun Mr David Ramsay of Lethintie Mr John Ramsay of Tillenydies Mr Leonard Robertſon of Straloch Alexander Robertſon of Straloch Alexander Robertſon of Craig Alexander Robertſon of Strowan John Robertſon of Lude Alexander Robertſon of Faſkallie Robert Robertſon of Eſsentie Thomas Rattray of Craighall John Ratray of Runnagullion Roſs of Inuernethie James Smith of Cammo James Stirling of Keir Archbald Stirling of Carden Stirling of Kippendavie John Steuart of Garntully John Steuart of Inuernitie John Steuart of Stentoun Steuart of Clunie Charles Steuart of Ballachan Alexander Steuart of Craigton John Steuart of Balnakillie James Steuart of Urrard Dugald Steuart of Blairhall David Steuart of Kincarrochie James Strachan of Laureſtoun James Spittle of Leuchat Andrew Spalding of Aſhentully David Smith of Methven David Smith Tutor of Methven John Stirling of Keir Sir David Threepland of Fingaſk George Wilſon of Sands the Laird of Macknab the Sherif depute of Perthshire the Provost of Perth for the time One of the Baillies of Culroſs for the time.

For the Shire of Kincardine

The Earl Mariſchall the Viſcount of Arbuthnot Sir James Falconer of Phesdoe Sir David Ramsay of Balmaine the Laird of Newtoun Sir Alexander Falconer of Glenfarquhar Mr Robert Reid of Drumhendrie William Stirling of Strath James Forbes of Thorntoun elder Thomas Forbes of Thorntoun younger Sir David Carnegie of Pitarrow John Carnegie younger of Pittarrow Peter Forbes of Balfour the Laird of Balbegno the Laird of Allardes the Laird of Benholme the Laird of Comistoun the Laird of Barras elder the Laird of Barras younger the Laird of Brigfoord the Laird of Knox the Laird of Elſick elder the Laird of Elſick younger the Laird of Fordon the Laird of Glenbervie the Laird of Leyes elder the Laird of Leyes younger William Burnet of Creigie Mr Alexander Thomſon of Portlethen the Laird of Doors the Laird of Bachory the Laird of Inchmerlo the Laird of Drum Mr Alexander Arbuthnot Provost of Bervie the Laird of Johnstoun the Laird of Balmakewen the Laird of Brothertoun the Laird of Hatton the Laird of Ramoir the Laird of Drumlagair the Laird of Glaſsill Mr John Falconer younger of Phesdoe.

For the Shire of Aberdeen

The Earl of Erroll the Earl Mariſchall the Earl of Mar the Earl of Panmure and in his absence

Thomas Innes his factor the Earl of Kintoir the Earl of Aberdeen the Lord Hay the Lord Inverurie the Lord Haddo the Lord Forbes the Lord Saltoun the Lord Pitsligo the Lord Fraser the Maſter of Forbes Mr George Gordon Tutor of Aboyne the Laird of Drum Sir Thomas Burnet of Leyes Sir Robert Forbes of Auchinhyve Sir Patrick Fraser of Durris the Laird of Abergeldie the Laird of Invercauld the Laird of Eight the Laird of Ballogie younger Peter Forbes of Midstraith the Laird of Auchloſsen younger the Laird of Blelack John Gordon of Halhead Fingean Farquharson Tilliſnaught Thomas Mitchell of Eaſterbelly the Laird of Inverrey the Laird of Braichley George Forbes of Shiells Sir William Forbes of Monymuſk the Laird of Meldrum Sir James Elphinstoun of Logie the Laird of Leſlie Mr Alexander Davidſon of Newtoun the Laird of Pitodrie younger the Laird of Barra Walter Hay of Liklyhead Alexander Leſlie of Wartle John Elphinstoun younger of Logie the Laird of Glack Alexander Hay of Daviot William Hay of Balbithen the Laird of Leithhall James Gordon of Barnes the Laird of Overhall John Gordon of Rothney younger James Davidſon of Tillimorgan Weſthall younger Sir Robert Gordon of Gordonstoun for Ryhill Alexander Roſs of Lethintie John Smith of Inveramsay Robert Simpſon of Thorntoun Arthur Forbes of Breda Sir William Forbes of Craigievar Archbald Forbes of Putachie the Laird of Balfluig the Laird of Glenkindie the Laird of Cuſhney younger the Laird of Brux elder the Laird Whitehaugh the Laird of Skelleter John Forbes of Invernan the Laird of Wardes Mr John Innes of Sunnahard the Laird of Kinstair Peter Reid of Haughtoun Mr George Leſlie of Kincraigie George Wilſon of Fingeach the Laird of Terpersie John Gordon of Glenbucket Gordon of Newbigging the Laird of Craig younger Mr Patrick Ogilvie of Cairneſs Sir William Keith of Ludquhairn the Laird of Ludquhairn the Laird of Pitlurg Collonell John Buchan of Cairnbulg Mr Robert Paterſon of Inuerwhimry George Keith of Clackriach Alexander Forbes of Ludquhairn James Keith of Crichy the Laird of Achmedden John Gordon of Coyanach Irvine of Crimond John Cumming younger of Kinninmonth William Frazer of Broadland Alexander Gordon of Kinmundy James Scot of Achtidonald William Thomſon of Faichfield John Gordon of Techmirie Mr James Ferguſon of Pitfour the Laird of Inverallachie Irvine of Brukley younger Patrick Gordon of Logie John Gordon younger of Nethermuire Andrew Frazer Sherif depute Alexander Cumming of Blairmormunth Gordon of Craigellie Lindſay of Culſh Irvine of Artamford my Lord Pitmedden the Laird of Udney Pitmedden younger the Laird of Wattertoun Mr Arthur Forbes of Shives the Laird of Achmacoy the Laird of Ouchterellon the Laird of Toartie younger the Laird of Dudwick the Laird of Foveran the Laird of Birnis Alexander Hay of Ranystoun the Laird of Fechill the Laird of Cairnbrogie the Laird of Turnerhall Thomas Forbes of Artrichie John Forbes of Knappernay James Keith of Keithfield John Gordon of Drumwhyndle John Roſs of Arnadge John Udney of Newtyle the Laird of Leſmoir younger the Laird of Leſsindrum the Laird of Cowbairdie the Laird of Laithers the Laird of Iden the Laird of Byth Patrick Duff of Craigstoun Sir John Guthry of Kingedward the Laird of Badenſcoth the Laird of Muireſk John Cumming of Achry younger the Laird of Cocklarochie Mr Alexander Irvine of Savock the Laird of Law Peter Ruſsell of Moncoffer Mr John Mowat of Balwholly the Laird of Hattoun the Laird of Gight Nathaniel Gordon Baillie of Turreff Wm Johnſtoun of Craig for Overtulloch Alexr Duff of Braco George Calder of Aswanley Hary Gordon of Avachie James Gordon of Daoch the Laird of Skeen Sir George Skeen of Weſterfintrey the Laird of Menie the Laird of Dyce Sir John Johnstoun of Caſkiebend the Laird of Culter elder the Laird of Stonywood Mr Robert Irvine of Cults Sir Alexander Cumming younger of Culter Mr James Sandilands of Craibston George Paton of Grandhome William Gordon of Govell Alexr Gray of Balgownie Alexander Paton of Kinnaldie the Laird of Oldbar John Leſlie of Colpney the eldeſt Baillie of Aberdeen the eldest Baillie of Old Aberdeen the eldeſt Baillie of Kintoir the eldest Baillie of Inverurie Mr Patrick Sandielands of Cotton Andrew Burnet of Elrick James Gordon of Seatum Donald Farquharson of Balfour Alexander Farquharson of Monaltry Forbes of Blacktoun John Forbes of Boyndly the Laird of Leyes younger.

For the Shire of Inverneſs

The Earl of Southerland the Earl of Murray the Lord Juſtice Clerk in vice of the Lord Lovat the Laird of Grant Sir Donald Mackdonald of Slate the Laird of Mackintoſh the Laird of Mackintoſh younger the Laird of Calder the Laird of Kilraock the Laird of Culloden the Laird of Grant younger the Laird of Lochiel younger the Laird of Clunie Mackpherson the Laird of Clava the Laird of Kilraock younger the Laird of Rothimurchus the Laird of Comer John Mackpherson of Invereſhie George Cuthbert of Caſtlehill Mr David Polſon of Kinmylies Patrick Grant of Tullochgorme Mr William Robertſon of Inches the Laird of Glenmoriſtoun Angus Mackintosh of Kylachie William Grant of Lurg Mr John Mackenzie of Cramond William Baillie of Dunean John Roſs of Holme William Grant of Dellachapple Lauchlane Mackintoſh of Deviot James Fraser of Relict Robert Grant of Gartinmore John Mackpherson of Delraddie William Mackintoſh of Borlum younger

George Grant of Clurie Hew Fraser of Belladrum Grant's Baillie of Strathspey John Barbour of Aldourie John Grant of Corrimonie the Lady Lovats Baillie James Fraser of Auchnagairn
Fraser younger of Culduthell Mr Thomas Fraser of Drumballoch Thomas Fraser of Bruie Hugh Fraser of Eſcadale Alexander Fraser of Ballindoun Hugh Fraſer of Foyar Fraser of Relict younger Lachlan Mackintoſh of Stron John Mackintosh of Connadge the Baillie of Urquhart Ludovick Grant of Tulloch the Duke of Argyll Mr Alexander Mackenzie of Fraserden the Laird of Mackleod the Laird of Griſonich Alexander Mackintoſh of Fare Mackintoſh of Corriburgh.

For the Shire of Nairn

The Laird of Calder Mr Archbald Campbell of Clunies William Campbell of Delneyes the Laird of Kilravock the Laird of Kilravock younger George Brodie of Aſliſk Alexander Brodie of Lethin Hugh Roſs of Clava Hugh Roſs of Breadleyes James Roſs of Daltullich the Laird of Culloden
Sutherland of Kinsterrie Alexander Dunbar of Both John Mackintoſh of Connadge Robert Barber Baillie of Inverneſs Alexander Falconer of Blackhills.

For the Shire of Cromarty

The Earl of Cromarty the Lord Mackleod Sir Kenneth Mackenzie Sir James Mackenzie of Ferners Mr Roderick Mackenzie of Preſtounhall Mr Alexander Mackenzie younger of Preſtounhall the Laird of Kilravock elder the Laird of Kilravock younger William Gordon of Dalfolly Æneas Macleod of Catboill John Urquhart of Newhall William Urquhart of Brealangwall Rorie Mackenzie of Navitie Alexander Clunes of Neilstoun John Clunes of Neilſtoun younger John Dallas of Bannans Mr Bernet Mackenzie of Sandilands.

For the Shire of Argyll

The Duke of Argyll the Earl of Lauderdale the Earl of Breadalbine the Lord Glenurchie Mr John Campbell uncle to the Duke of Argyll Sir James Campbell of Auchinbreck Sir Colin Campbell of Ardkinglaſs James Campbell younger of Ardkinglaſs the Laird of Lamont Sir Neill Campbell of Ellingreg the Laird of M'Lauchlane the Lairds of Lochinell elder and younger the Laird of M'Naughtoun the Laird of Appine the Lairds of Lochziell elder and younger the Lairds of Lochbowie elder and younger Sir John Campbell of Carrict Robert Campbell younger of Carrict John Campbell of Orchyeard John Campbell of Donoone Donald and John Campbells of Auchinvouline Daniel Campbell of Ardintennie Donald Campbell elder of Knockmailzie Duncan Campbell younger of Knockmailzie Mackarthur of Milltoun Mr John Fullertoun of Greenhall John Fullertoun younger of Greenhall the Laird of Kaimes Duncan Mackgibbon of Auchingarran the Laird of Aſhcog James Lamont of Knockdow Dougald Lamont of Stialig Robert Melvill of Kilmichaell James Campbell of Glendaruell Alexander Campbell of Otter Duncan Lamont of Auchinsheiloch Hugh Campbell of Lix Archbald Campbell younger of Lix John Lamont of Kilfinnan Duncan Gillespie of Bailzie William Ewing younger of Bernice Duncan M'Corquidale of Phantilands John Campbell of Kildalvane Patrick Mackarthur of Tirrivadich John Campbell of Kenmore Duncan Campbell of Askniſh Ronald Campbell of Laganlochane George Campbell of Craignish Angus M'Lauchlane of Inchconnell Colin Campbell of Inverhae Coline Campbell of Glennan Alexander Campbell of Kilmartine Archbald Campbell of Barbreck the Laird of Duntroone John M'Laughlane of Craiginterive Archibald Campbell of Clenarie Allan M'Laughlane of Dunad Dugald Campbell of Nether-Rudall Alexander Campbell of Kirnan Coline Campbell of Knockbowie Mr Dugald Campbell of Kilmorie Archbald Mackaliſter of Tarbat Neill Mackneill of Taynish Neill Mackneill of Arichonan Patrick Campbell of Kilduſklane Archbald M'Taviſh of Dunardrie Dougald Campbell of Danna Archibald Campbell of Strondour Alexander Mackalister of Loup Angus Campbell of Skipniſh Colin Campbell of Blythswood Dugald Campbell of Kilberrie James Campbell of Ormsary Donald Campbell of Auchinard Archbald Campbell of Auchindoun Mr Colin Campbell of Auchinba Archbald Campbell of Clunes John Campbell Baillie of Jura Archibald Campbell of Sunderland Archibald Campbell of Loſsit Donald Campbell of Ballenabie John Mackdonald of Largie Donald Campbell of Carradell Archibald M'Donald of Sanda John Campbell of Glensadell John Campbell of Knockrioch Torquell Mackneill of Ugadell Hector Mackneill of Loſsit Alexander Campbell of Barcalden Patrick Campbell younger of Barcalden Archbald Campbell of Inveraw Archbald Campbell of Drumnachoiſh Angus Campbell of Dunstaffnadge Donald Campbell Baillie of Munkerne Dugald Campbell of Stronhormaig Alexander Campbell of Clanamakrie John Campbell of Ardhattane Colin Campbell of Inveresragan Alexander Campbell of Airds John Mackdougald of Dunnolich John Campbell of Kirktoun John Steuart of Ardſhiell Coline Campbell of Baliveoline Allan Cameron of Glendescrie Donald Macklean of Coll John Mackleod of Meshniſh Alexr Macklean of Torloſk James Campbell of Stonfield Archibald Lamont of Strone Archibald Clerk of Braleckane Archbald Lamont of Auchagayll the Provost of Inverary for the time being and the Sherif depute of Argyll Conveener.

For the Shire of Fyfe

The Duke of Atholl Lord Privy Seal the Duke of Argyll the Marqueſs of Tweeddale the Earl of

Crauford the Earl of Rothes the Earl of Mortoun the Earl of Murray the Earl of Strathmore the Earl of Kellie the Earl of Haddingtoun the Earl of Leven the Earl of Belcarras the Earl of Melvill the Earl of Roseberry the Viſcount of Stormont the Lord Yester the Lord Elcho the Lord Sinclair the Lord Burleigh the Lord Colvill the Lord Lindoirs the Lord Balmerinoch the Master of Balmerinoch the Maſter of Lindoirs Sir Robert Douglas of Airdit Mr Mungo Carnegie of Birkhill John Hay of Naughtoun David Balfour of Grange Mr Michael Balfour of Forret Mr William Aiton of that Ilk James Crauford of Montquhannie Alexander Watſon of Aitherny Andrew Baillie of Parbroth James Watson of Ormestoun James Arnot of Woodmill Sir Michael Balfour of Denmill Sir George Sinclair of Kinnaird Sir Archbald Hope of Rankeillor John Balfour of Ferny Mr Thomas Hope younger of Rankeillor David Clephan of Carslogie John Barclay of Collarny Sir William Hope of Craighall David Scot of Scotstarvet John Bethun elder of Blebo James Bethun younger of Blebo Henry Balfour of Denboug John Bethun of Craigfudie Mr Thomas Weyms of Fingask Mr James Cheap of Roſsie William Hamilton of Wiſhaw James Bruce of Kinloch John Leslie of Lumquhat Patrick Bruce of Bungeon Walter Scot of Edenshead William Shaw of Gospetrie James Balcanquell of that Ilk John Cowan of Corston Mr James Morres of Cash George Moncrief elder of Reidie Mr Patrick Moncrief younger of Reidie Robert Hay of Strowie John Riddell of Grange Patrick Seaton of Lathriſk Sir John Preſtoun of Preſtounhall James Preſtoun of Dumbrae George Clephan younger of Carslogie John Weyms of Onthank William Robertson of Gledne Thomas Bethun of Tarret Michael Lundie of Drums Henry Miller of Pourim Mungo Law of Pittillock James Carmichael of Bamblae Robert Heriot of Ramorny David Boiswell younger of Dovan Doctor Carmichael younger of Bamblae Gavin Hamilton of Inuerdovat Alexander Nairn of Saintfoord Alexander Walker of Saintfoord James Trent of Pitcullo Mr Arthur Mackgill of Kemock Mr John Craigie of Lawhill Daniel Auchmoutie of Drumeldry Robert Lundie of that Ilk James Durhame of Largo John Lundie younger of Baldastard John Gillespie of Newtoun Philip Hamilton younger of Kilbrackmont James Malcolm of Grange John Carstairs of Kilconcher William Dudingstoun of Saintfoord Mr Robert Cleiland of Hillhouse William Gourlay of Kincraig Mr James Cunninghame of Barns Mr James Martine of Clermont Robert Lentrone of Kincapell
Orrock of Caſsindonald Mr Patrick Arthur of Balon John Weyms of Lathocker Mr Thomas Nairn of Craigton Sir Robert Anstruther of Balcaskie George Smith younger of Giblistoun John Aitoun of Kinaldie John Aitoun younger of Kinaldie Captain Alexander Bruce of Pitarthie Sir Alexander Erskine of Cambo Mr James Balfour of Randerſtoun Alexander Monypeny of Pitmillie George Moncrief of Sachop Mr John Lindsay of Wolmestoun David Bethun of Balfour Mr James Bethun younger of Balfour George Lumsden of Rennyhill Robert Lumsden of Energellie Sir William Anstruther of that Ilk Sir John Anstruther younger of Anstruther Sir Alexander Anstruther of Newwark John Patillo of Bouhouffie John Arnot of Balcormo Philip Anstruther of Ardrie James Weyms of Bogie John Weyms younger of Bogie Mr Robert White of Benochie
Skeen of Weſterbogie Collonell John Erskine of Carnock Captain Philip Anstruther of Grange David Barclay of Touch Sir Andrew Ramsay of Abbotshall John Alexander of Skedaway Alexander Gibson of Durie John Durie of Lethum Mr David Bethun of Bandon Christopher Seton of Cariſtoun James Law of Bruntoun Robert Balfour of Balbirny George Balfour younger of Balbirny Robert Douglaſs of Strahendry John Lundie of Auchtermarny Sir John Mackcolm of Inuerteill Michael Malcolme of Belbedie Alexander Colvill of Blair John Skeen younger of Halyeards Walter Boiswell of Balbartoun William Calderwood of Pittedie Sir David Thoirs of Weſterlochgellie James Betson of Kilrie Mr John Preſtoun of Drumraick James Betson of Glasmont David Boiswell of Balmuto John Wardlaw of Abden younger Orrock of that Ilk John Durie of Grange Alexander Aiton of Inchdarny Mr James Robertson of Newbigging John Leslie of Quarter Mr David Deuar of Balgony Alexander Boiswell of Glenistoun James Weyms of Pitkenny Mr James Melvill of Halhill Doctor William Douglaſs of Kinglaſsie Alexander Clerk of Pitteucher Murray of Pitteuchar James Oswald of Dunnikeir Sir James Halket of Pitfirren Stenhouse of Fod John Durie of Craigluſkar David Douglaſs of Gellets Sir Henry Wardlaw of Pitrevie Lieutennent Collonell John Forbes of Pittincrief John Deuar of Lasodie James Lindsay of Kavell Robert Ged of Baldrig elder Robert Ged of Baldrig younger James Moutray of Rescoby Sir James Campbell of Pitliver Sir Alexander Bruce of Broomhall William Weyms of Cuttlehill Mr Andrew Anderson of Balram, Charles Steuart of Dunairn James Spittle of Leuchat James Hepburn of Menstrie John Moubray of Coucairny Sir William Henderſon of Fordell Sir John Areſkine David Bonnar of Binnend Alexander Colvill of Hilside William Halley of Kinneder David Oliphant of Kinneder Henry Wardlaw of Luſkar Robert Scot of Cotts Mr James Henderson of Pittadro Sir David Arnot Drummond of Roſsyth Sir William Sharp for Stratyrum Alexander Colvill of Scotscraig John Mitchell of Ladach Mr Robert Weyms of Grangemuir Doctor Archbald Pitcairn of Pitcairn Coline Mackenzie of Rosend Colin Campbell

of Smiddiegreen Mr John Falconer of Little Kinneir Mr John Thomſon of Pystoun. Robert Scot of Spencerfield John Lindſay younger of Kirkforther Robert Walwood of Garvock.

For the Shire of Forfar

The Duke of Argyll the Duke of Atholl the Earl of Strathmore the Earl of Airlie the Earl of Panmure the Earl of Northeſk the Viſcount of Stormont the Viſcount of Arbuthnot the Lord Balmerinoch Captain Charles Straitton Sir James Wood of Bonytoun Couts of Fullertoun George Ogilvie of Lounan Patrick Scot of Roſsie Scot of Duninald James Scot younger of Logie Fullertoun of Kinnaber Mr Robert Taylor of Borrowfield Scot of Hedderweick James Mill elder of Balwylo Falconer of Newtoun Dempster of Logie David Carnegie of Craigo Turnbull of Stracathrow Robert Young of Auldbar Arbuthnot of Findowrie Rait of Pitforthie David Edgar of Kethick James Carnegie of Cookstoun younger Laird of Edziell Laird of Balnamoon Symour of Balyeordie Captain William Cramond of Brathinch Mr James Carnegie of Phinevin Murray of Melgum Strachan of Balgavies Mr Patrick Lyon of Carse Andrew Huntar of Dod John Lindſay of Pitscandley younger Peirson of Balmadies Mr Patrick Carnegie of Lour Alexander Reid of Turfbeg John Ouchterlony of Guind Thomas Fothringhame of Pourie Patrick Bower of Kinnetles Mr William Gray of Inverightie Ogilvie of Kinnaltie John Ogilvie of Murthill William Lyon of Eaſter Ogill Renny of Usin Milne of Netherdysart Ogilvie of Inshewan Sir John Ogilvie of Invercarrity Sir James Kinloch of that Ilk Wiſheart of Logie Robert Carnegie of Ballindargs Robert Fletcher of Ballinsho Thomas Lundie of Glaswell David Ogilvie of Clova James Burn of Weſter Dunoon James Halyburton of Piteur Halyburton of Fotherans Mackenzie of Roſehaugh David Nevoy of that Ilk Mr John Lammie of Dunkeny Thomas Crichton of Ruthvens Patrick Ogilvie of Balfour John Galloway of Baldovie Clayhills of Invergourie Alexander Duncan of Lundie Mr Patrick Lyon of Auchterhouse Duncan of Strathmartine William Nairn of Baldovan Alexander Wedderburn of Eaſter Pourie John Lindsay of Cairn-David Graham younger of Fintrie Robert Ogilvie of Coull George Turnbull of Balglaſsie Wedderburn of Blackneſs

Graham of Duntroon James Kid of Craigie Robert Davidſon of Balgay Gilbert Auchinleck of that Ilk Mr James Martine of Grange Alexander Duncan of Ardounie Patrick Durhame of Omachie Robert Gairden of Lawtoun younger Watſon of Grange of Barrie Gordoun of Colleſtoun Mr John Carnegie of Boysack Henry Crauford of Seaton Mr Thomas Fairwedder of Southtarry Alexander Pyper of Newgrange Frazer of Kirktoun Mr William Aikman of Carny Mr Hary Maule of Kellie Ogilvie of Pitmowies John Guthrie of that Ilk Francis Erskine of Kirkbuddo Muidie of Arbikie James Lyell of Gardine.

For the Shire of Bamf

William Earl Marischall James Earl of Findlater James Earl of Seaſield Sir Patrick Ogilvie of Boyne Sir Alexander Ogilvie of Forglen Ludovick Grant of that Ilk elder Alexander Grant of that Ilk younger Sir John Gordon of Park Sir James Abercrombie of Birkinboig Alexander Gordon of Pitlurg James Ogilvie younger of Boyne Alexander Duff of Braco William Baird of Auchmedden Alexander Gairne of Troup John Ramsay of Laithers Peter Ruſsell of Moncoffer Robert Grant of Dunlugus James Ogilvie of Logie Mr William Joſse of Colleinwaird. Mr Andrew Hay of Montblairie Alexander Alison of Littlefield George Gordon of Carnouſsie Mr Francis Grant of Cullen Alexander Grant of Bellintomb John Abernethie of Meyan James Gordon of Ardmeallie James Hamilton of Cowbairdie Abernethie of Corskie younger Alexander Abercrombie of Glashaugh James Dunbar younger of Durn James Ogilvie of Poldavid Nicolas Dunbar of Castlefield John Hay of Moldavid Patrick Steuart of Tanachie Gordon of Buckie Alexander Abercrombie of Skeith Alexander Sutherland of Kinminitie John Innes of Edingith John Innes of Edingith younger Charles Gordon of Glengeirrack William Gordon of Birkinburn younger Gordon of Achynachie John Grant of Carron John Grant of Ballindallair Major George Arnot Steuart of Kilmaichlie Robert Cumming of Reicleiteich Alexander Leslie of Finnitie Mr James Leslie of Tullich Alexander Duff of Drumun Thomas Donaldſon of Kinnairdie John Cuthbert of Braickinhills Walter Grant of Ardendillie Captain John Grant of Eaſter Elchies Steuart of Achnachan James Duff of Crombie John Ogilvie of Kempcairn.

For the Steuartrie of Kirkcudbright

The Earl of Galloway the Viſcount of Kenmure Mr John Gordon of Greenlaw Sir Robert Grierson of Lag Sir George Maxwell of Orchyeardtoun Patrick Murdoch of Comloddan Patrick Dunbar of Machrimore Patrick Herron of that Ilk Patrick Herron younger of that Ilk Alexander Mackie of Palgoun Andrew Herron of Bargaly William Muir of Caſsincary Robert Broun of Carthaith Samuel Hanna of Kirdale John Mackulloch of Barholme Samuel Mackdouall of Glen Alexander Murray of Broughtoun William Maxwell of Cardineſs David Mackulloch of Ardwall Hugh Mack-

guffock of Rusco William Mackguffock younger of Rusco Ephraim Mackclellan of Barmagachin James Gordon of Largmore John Carsane of Balmangan Nathaniel Gordon of Carletoun Alexander Broun of Kempletoun John Gordon of Kirkconnell Alexander Gordon of Earlstoun Robert Gordon of Garvery William Kennedy of Knockreoch Adam Neual of Barskeoch William Gordon of Holme William Gordon of Shirmurs John Neilson of Corsack William Craick of Duchra Samuel Broun of Mollans Rodger Gordon of Troquhain James Gordon younger of Troquhain Charles Mackclellan of Collin Robert Mackclellan of Barkly the Provost of Kirkcudbright James Gordon of Campbeltoun William Herreis of Mabee Robert Maxwell of Heſselfield William Lindsay of Mains Robert Maxwell younger of Hills John Sharp of Hoddam Adam Craik of Arbigland Robert Johnstoun of Keltoun William Coupland of Collistoun James Mackadam of Waterhead William Young of Auchinskeoch Edward Gaudie of Craigmay William Grierson of Bargatone William Steuart of Shambelly Doctor Murray portioner of Cavens John Broun of Nunland Mungo Lindsay younger of Wauchop Charles Murray of Barnhourie Mr Andrew Euart of Mullock Minister of Kells William Laurie of Barnsoul Alexander Steuart younger of Tannargie Mr John Broun factor to the Eſtate of Baldoon.

For the Shire of Sutherland

The Earl of Sutherland the Lord Strathnaver the Lord Reay the Lord Duffus the Master of Duffus the Laird of Aſsint the Laird of Cadboll Peter Forbes of Lochinver Robert Gray of Skibo Robert Murray of Pulroſsie David Roſs of Inverchaslie Hugh Monro of Inveran Mr George Gray of Creich John Gray of Newtoun Alexander Gray of Overskibo Alexander Sutherland of Pronsie James Sutherland of Evelect Hugh Macky of Strathie George Macky of Bighouse Captain Hugh Macky of Borlie James Sutherland of Clyne Hugh Sutherland of Kinnald David Sutherland younger of Kinnald John Monro of Rogart Donald Gunn of Badinloch Sir William Gordon of Dalphollie John Gordon of Caroll George Gordon of Hospidell Alexander Gordon of Gartie Sherif depute of the ſhire James Sutherland younger of Pronsie Alexander Sutherland of Meikle Torbo William Sutherland of Ham Alexander Sutherland of Bregrudie Mr Alexander Gordon of Langweill Sir John Gordon of Embo.

For the Shire of Caithneſs

The Earl of Caithneſs the Earl of Breadalbain the Lord Berridale the Lord Glenurchie Sir James Sinclair of Mey John Sinclair of Dumbeath Sir William Dunbar of Hemprigs Sherif Depute Sir George Sinclair of Clyth James Sinclair of Lyth George Sutherland of Forſs John Sinclair of Ulbster John Sinclair of Stirkock James Sutherland of Langwell Mr Robert Dunbar of Myrland Alexander Sinclair of Brabſter James Sinclair of Stamster James Sinclair of Lybster James Murray of Clareden Patrick Dunbar of Bowarmadden Mr John Campbell of Caſtlehill Mr Patrick Murray of Pennyland David Sinclair of Freſwick George Sinclair of Barrock Alexander Sinclair of Dune John Sinclair of Lybster Alexander Sinclair of Oldrich George Mansone of Bridgend John Sinclair of Barrock James Sinclare of Howburnhead Captain Adam Cunninghame of Oukingill the Earl of Breadalbain's Chamberlaine for the time the Earl of Cromartie's Chamberland for the time John Sinclair of Ratter Richard Sinclair of Thura William Sinclair of Hoy John Sinclair of Aſsery William Sutherland of Gees elder John Sinclair of Ratter younger the Chamberland of the Bishoprick.

For the Shire of Elgine

The Earl of Murray the Lord Duffus William Duff of Diple Alexander Duff of Drummure the Laird of Tannachie younger the Laird of Burdsyeards elder the Laird of Burdsyeards younger the Laird of Grange the Laird of Innes elder the Laird of Innes younger the Laird of Dunphaile the Laird of Biſhopmilne the Laird of Grant elder the Laird of Grant younger the Laird of Weſter Elches the Laird of Eaſter Elches the Laird of Altyre the Laird of Brodie the Laird of Aslisk the Laird of Muretoun elder the Laird of Muretoun younger the Laird of Gordonstoun the Laird of Coxtoun elder the Laird of Coxtoun younger the Laird of Lethen Sir James Innes of Ortoun the Laird of Durn elder the Laird of Durn younger John Dunbar of Kirkhill Tutor of Grangehill Joseph Broddie of Milnetoun Laird of Grant's Baillie in his absence the Laird of Pluscarden or his Baillie William Martine of Moristoun Robert Dumbar of Newtoun Thomas Brodie of Pitgavine John Innes of Darkland John Innes of Leuchars George Innes of Dunkintie Patrick Grant of Dalvey Grant of Balnatom Alexander Dunbar of Moy Mr Robert Dunbar of Moy the Laird of Belndallach David Steuart of Neutoun Walter Innes of Blackhills elder Innes of Blackhills younger the Earl of Rothes's Chamberlain the Earl of Murray's Chamberlain William Cumming of Craigmilne Robert Innes of Mundole John Leslie of Balnageith John Brodie of Windiehills Mr James Sutherland Advocat William Dunbar of Dilkside William King of Newmilnes James Steuart of Caſtlehill John Leslie of Midletoun John Dunbar of Boigs Colin Dunbar younger of Boigs Charles Mackenzie of Earnside Mr William Sutherland of Miſs-Towie William Sutherland of Rosehaugh James Innes younger of Coats William Brodie of Coltfield George Chalmers of Pittensere James Brodie of Whitehill Mungo Grant of Knockando.

For the Steuartry of Orkny and Zetland

Sir Archbald Steuart of Burray Sir William Craigie of Gairsey Robert Steuart of Newwark William Douglaſs of Egilshaw elder Alexander Douglaſs of Egilshaw younger John Steuart of Brugh Thomas Buchannan of Sandside Mr Robert Honieman of Græmsay James Graham of Grahamshall Captain James Moodie of Melsetter George Baikie of Tankerneſs Robert Baikie younger of Tankerneſs Hugh Baikie of Burnes John Traill of Elsneſs David Traill of Seba Hary Grahame of Breckneſs William Liddell of Hammer John Nisbet of Swannay John Coventry of Enhallow Patrick Kinnaird of Burwick Alexander Steuart of Maſsetter Mr James Steuart of Touquhoy David Sutherland of Windbreck Laurence Sinclair of Quandaill Charles Steuart of Bigtoun John Scot of Scotshall James Scot of Vosgairth John Mitchell of Weſtshore James Mitchell of Girlestaw Bruce Tutor of Munes Patrick Leſlie of Uſtneſs John Giffart of Buſta Andrew Mouat of Gairth Andrew Bruce of Braenick William Henderson of Garday Bruce of Soundbrugh George Cheine of Eſsilmont Sinclair of Brugh the Stewart of Orkney and Zetland and his deputes for the time.

For the Shire of Clackmannan

The Duke of Argyll the Earl of Mar Sir John Schaw of Greenock Sir Robert Steuart of Tillicultry Sir John Erskine of Alva Holburn of Menstrie Mr Alexander Abercrombie of Tullibodie Lieutennant Collonell Bruce of Kennet Alexander Inglis Tacksman of the Eſtate of Clackmannan John Burne of Sheardaill John Drysdaill of Tounhead George Colquhoun of Balheartie Mr John Campbell of Mammore Charles Keirie of Gogar George Stirling of Herbertshire William Stirling younger of Herbertshire Mr Francis Maſtertoun of Parkmilne Charles Craigingelt of Woodside the Baillie of Alloa for the time the Baillie of Campbell for the time.

For the Shire of Roſs

The Earl of Cromarty the Lord Mackleod David Roſs of Balnagoun Hugh Roſs of Kilraick Sir John Mackenzie of Coull Sir Robert Monro of Foulis Kenneth Mackenzie of Scatwell Rorie Mackenzie of Reideastle Simon Mackenzie of Allangrange Alexander Mackenzie of Applecroſs Rorie Mackenzie younger thereof Rorie Mackenzie of Fairburn Alexander Mackenzie of Belmaduthie William Mackenzie younger of Belmaduthie Simon Mackenzie of Torirdan George Monro of Newmore George Monro of Culraine Hector Monro of Navair Hugh Monro of Teaninich George Monro of Lemlaire John Mackenzie of Clynes Colin Mackenzie of Kincraig Murdoch Mackenzie of Ardoſs John Forrester of Dunskeath Colin Robertson of Kindeaſs John Roſs of Auchnacloigh Mr George Mackenzie of Balamukie Hector Monro of Drumond Sir Robert Gordon of Gordonstoun Sir Donald Baine of Tulloch John Baine younger of Tulloch Sir William Gordon of Dalfolly Alexander Mackenzie of Dachmaluack Mr George Mackenzie of Incheulter Rorie Dingwall of Camischurie Alexander Forreſter of Culenaild Kenneth Mackenzie of Sudie Alexander Mackenzie of Bellone Charles Mackenzie of Cullen Kenneth Mackenzie of Achtadonell Mr George Mackenzie of Grunard Alexander Matthieſon of Benadgefield Æneas Mackleod of Cadboil Captain Daniel Mackleod of Gainies William Roſs of Invercharron Colin Graham of Drynie James Frazer of Achnagairne Hugh Roſs of Brelangwell David Roſs of Inverchaslay Mr Alexander Mackleod of Cantullich William Roſs of Aldie William Roſs of Eaſterfearn Alexander Duff of Drumoore Colin Mackenzie of Dachpollo Alexander Roſs of Pitkarie.

For the Shire of Kinroſs

The Lord Burghly the Lord Colvill Sir David Arnot of that Ilk Sir William Bruce of Kinroſs Sir John Malcolme of Inuerteill Sir Robert Douglaſs of Kirkneſs Halliday of Tilliboill Lindsay of Dowhill James Rankine of Coldine Malcolme of Inuertiel younger John Bruce of Kinroſs George Burrell portioner of Kenneswood Patrick Robertson of Smidiehill James Steedman Baillie of Kinroſs Mr Laurence Mercer for the Lady Aldie.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST VIII, M,DCC,IV

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

LISTS of Commiſsioners of Supply before written for the Shires following presented by the several members concerned; their titles, and subscribers read, viz. Edinburgh, Haddingtoun, Berwick, Roxburgh, Selkirk, Tweeddale, Lanerk, Wigtoun, Air, Dumbartoun, Bute, Renfrew, Linlithgow, Perth, Kincardine, Cromarty, Argyll, Nairn, Fyfe, Angus, Bamf, Kirkcudbright, Caithneſs, Orkney, Clackmannan and Roſs; And the matter continued till the next diet of Parliament that such of the members as had not given in their Lists may be given in, and any additional Lists given in may be seen betwixt and that time. [Commiſsioners of Supply]

MOVED That the Parliament proceed to name the Commiſsioners to be insert in the Act and Commiſsion of the Treaty with England, and that the Estates seperat to choise them conform to cuſtome: Moved that the ſaid Commiſsioners be chosen in plene Parliament, Likewayes moved that the Plot be inquired into, and a day appointed for that effect: After reaſoning on the ſaid laſt Motion The following reſolve was presented viz. " Resolved That the House of Lords Addreſs to the Queen in relation to the Nomination of their Succeſsor to our Crown, and their Examination of the Plot in so far as concerns Scotland or Scotsmen was an undue intermeddleing with our concerns and an incroachment upon the independency honour and Sovereignty of this Nation: And that the proceedings of the House of Commons were like these of good ſubjects to their Queen, and good and friendly Neighbours to Scotland." After debate thereon, Moved that the first clause concerning the House of Lords might be put to the vote, Likewayes moved that the ſame may be delayed to be farder conſidered; And after reaſoning It was put to the vote Proceed or Delay, and carried Proceed, And thereafter it was put to the vote Approve the ſaid first clauſe or Not and carried Approve, And then the ſecond clauſe as amended viz. " That the proceedings of the houſe of Commons in all theſe matters were like those of good and friendly Neighbours to this Nation," put to the vote Approve or Not, and carried Not.

Resolve concerning the proceedings of the House of Lords

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST IX, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE reſt of the Lists of the Commiſsioners of Supply with several additional Liſts for the Shires following preſented by the several members concerned: The titles and ſubſcribers read viz. Aberdeen, Stirling, Dumfreis, Sutherland, Elgine, Inuerneſs, and Kinroſs, And the whole Liſts adjusted, as they are before written.

[Commiſsioners of Supply]

MOVED that a day be appointed for examining the Plot, and agreed that first diet next week be appointed for that effect And that ſuch documents as were ſent from London to the Councill may be transmitted to the Clerks of Parliament; and alſo that ſuch declarations as had been taken here relating therto be alſo laid upon the table.

Order for transmitting the documents relating to the Plot, to the Clerks of Parliament

ACT Dischargeing the Importing of woollen manufacture and allowing the Exporting of wool and ſkins read, and after debate, it was put to the vote Proceed or Delay and carried Proceed And a first reading ordered to be marked on the Act.

THE next diet of Parliament appointed for hearing the cauſe The Dutcheſs of Buccleugh againſt the Earls of Melvill and Leven, And after that the report of the Commiſsion for auditing the accounts of the publick funds, And thereafter the Contraverted Elections for the Steuarty of Kirkcudbright Shires of Roſs & Clackmannan to be diſcuſsed. [Order of procedure]

THE Act of Supply ordered to be publiſhed and printed. [Act of Supply]

PETITION Lyell of Gardine for a cloath manufactory read, and ordered to ly on the table. [Cloth Manufactory]

OVERTURE for an act anent coal and ſalt read and ordered to ly on the table. [Coal & Salt]

ACT for the more effectual payment of the Commiſsioners of Justiciary their Sallaries read and a first reading ordered to be marked thereon. [Commiſsioners of Justiciary]

PETITION Mr Alexander Higgins of Craigforth Craveing a day may be appointed for hearing his proceſs against John Callender of Craigforth read; And the first diet next week for privat buſineſs appointed for that effect. [Higgins agt Callender]

ACT and Commiſsion for visiting Universities and Schools read, and a first reading ordered to be marked thereon. [Universities & Schools]

ACT diſcharging Importing of Irish butter and cheese read, and a first reading ordered to be marked thereon. [Irish Butter & Cheese]

ACT diſchargeing importing of molloſses, read, and a first reading ordered to be marked thereon. [Moloſses]

ACT anent Justices of Peace read and ordered to ly on the table. [Justices of Peace]

ACT for repairing banks of rivers, waters and burns presented. [Banks of rivers &c.]

ORDERED that all the abovementioned Acts be printed.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST X, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Dutchefs of Buccleuch ag^t the Earls of Melvill & Leven &c.]

THE proceſs The Dutcheſs of Buccleugh against the Earls of Melvill & Leven, and Mr James Melvill upon the protestation taken by her for remead of Law against the Interloquitors pronunced by the Lords of Seſsion in the action of Exhibition and Reduction at her instance against the ſaid defenders being called, and the advocats for either party fully heard upon their dilators in the matter of the exhibition; The Parliament haveing adviſed the debate upon the executions found the Execution against Mr James Melvill at his Lodgeing in Edinburgh null in respect he was neither personally apprehended nor had lodged there fourty dayes before the Execution and allowed the execution againſt the ſaid defender at his dwelling house in the country to be yet ſeen in common forme: And haveing adviſed the debate and the other defence that Mr James muſt be first called, Suſtained the dilator and found No proceſs unleſs Mr James Melvill as a party be called.

[Earl of Ruglen]

THE Complaint the Earl of Ruglen against an Illegal order for quartering appointed to be heard next diet of Parliament for privat buſineſs.

[Public Accounts]

THE Report of the Commiſsion for auditing the accounts of the public fonds presented and a part thereof read; And it was reſolved that whatever ſhall be determined upon the ſaid report be insert in the minuts And that the Parliament will farder consider the ſaid report next diet of Parliament previous to all other buſineſs.

ORDERED that Robert Rutherfoord and David Callendar Attend the ſeverall diets of Parliament, and likewayes those concerned in the ballances of the above accounts.

ACT Remitting to the Commiſsioners appointed for stateing the publick Accounts all the difficulties that occurr in their report With a parliamentary power, read and ordered to ly on the table.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Commiſsioners of Justiciary]

ACT for the more effectual payment of the Commiſsioners of Juſticiarie their Sallaries read the ſecond time And after ſeveral amendments made thereon it was put to the vote Approve or Not, and carried Approve.

[Report of the Commiſsion for auditing the Accounts of the Public Funds]

THE Parliament proceeded to consider the Report of the Commiſsion for auditing the accounts of the public fonds, And haveing read the first four Accounts of Charge and Discharge with the observations thereon contained in the ſaid report, The first of which accounts with the observations thereon are as follows.

THE FIRST ACCOUNT of Supply and Inland Excise from 8th of March 1689 to the first of May 1690 was given in by Sir James Oswald then General Receiver, The Charge whereof is as follows.

CHARGE,	Scots money £	Sh	D
1mo Per a Liſt of Reſts given up by John Drummond and James Maxwell to the ſaid Sir James Oswald preceeding February 1689 four hundred and sixty eight thousand four hundred and eighty three pounds, eighteen ſhilling - - -	468483	18	—
2° Per four moneths Supply, Two hundred and eighty eight thousand five hundred and thirty three pounds, six shilling eight pennies	288533	6	8
3° Per three quarters of a years Inland Exciſe from ꝑe first of February to the 1st of November 1689, Two hundred & eighty one thousand nine hundred & three pounds four shilling	281903	4	—
4° Per Six moneths Inland Excise from first of November 1689 to first of May 1690 One hundred and fifty three thouſand nine hundred and twenty six pounds ten ſhilling and eight pennies - - - - -	153926	10	8
5° Per the Inland Exciſe of theſe Shires and Burghs that were in collection from first of November 1689 to first of November 1690 Ten thousand five hundred and ninety six pounds - - - - -	10596	—	—
	£1203442	19	4

DISCHARGE,

1° By money payed to the Forces, One Million and fourty five thouſand eight hundred and ſeventy three pounds, two ſhilling - -	1045873	2	—
2° By three quarters of a years deficiency of Inland Excise in Argyllſhire, Three thousand nine hundred and ninety four pounds four ſhilling - - - - -	3994	4	—
3° By Exemptions of Mortified Lands and of these belonging to the Lords of Seſsion, Four thouſand eight hundred and sixty four pounds, eighteen ſhilling and four pennies - - - - - -	4864	18	4
4° By the Accountant's Sallary, Three thouſand six hundred pounds - - - - -	3600	—	—
5° By Rests of Inland Exciſe and Supply, One hundred and thirty five thouſand, two hundred and sixty two pounds thirteen ſhilling	135262	13	—
6° Ballance due by the Accountant, Nine thouſand eight hundred and fourty eight pounds, two ſhilling - - - - - -	9848	2	—
	£1203442	19	4

OBSERVATIONS upon this Account

1° That the Rests given up by John Drummond and James Maxwell extending to the ſum of four hundred and sixty eight thouſand four hundred and eighty three pounds, eighteen ſhilling as above were payed in, but the account was never fitted before the Lords of Thesaury, Yet the ſame was audited by Lords auditors and a ballance found reſting to them of eight thousand four hundreth and thirty pounds, one ſhilling.

2° That there was payed to the Duke of Hamilton and the Earl of Melvill his Majesties Commiſsioners to the Parliaments, to their attendants, and for neceſsaries to the ſecretaries office, Eighty nine thouſand, and one hundreth pounds, as per the Thesauries accounts and the Minuts of the Committee of the foresaid Commiſsion of Parliament dated the nineteenth of October 1703.

3° That the ſum of twelve hundred pounds was payed Sir Alexander Bruce of Broomhall for ſervices done, But the Commiſsion could not come to the knowledge, what these were.

4° That the ſum of Sixteen thouſand five hundred and fifty eight pounds four shilling was payed for proviſions to the Engliſh forces.

5° That the ſum of one thouſand ſeven hundred and fourty pounds was payed to the Earl of Leven and Toun of Montrose for levieing ſeamen to the Engliſh ſervice.

6° That the three quarters of a years deficiency of Inland Excise for the ſhire of Argyll as is mentioned in the diſcharge was remitted to the heretors of that Shire by a Letter from the King.

7° That all the other articles of the Diſcharge are fully instructed.

8° That the Fifth and Sixth articles of the Diſcharge are carried to the ſubsequent account.

THE Parliament Sustained the first observation on the ſaid first account as to the first article of reſts given up by John Drummond and James Maxwell; And Sustained the ſecond observation; And Sustained the third observation relating to Sir Alexander Bruce: As to the fourth observation for proviſion to Engliſh forces They find and ſtate the ſame as an article due by England: As to the fifth observation, The ſum therein is likewayes found due by England, And Ordered that the Clerk of the Theſaury produce the Instructions of the ſaid fifth article against the next diet of Parliament; As to the Sixth observation, Ordered that the Instructions thereof be likewayes produced by the Clerks to the Thesaury: As to the seventh observation They ſustain the ſame: And as to the eight observation, Find that the Fifth and Sixth articles are carried on to the ſubsequent account.

THE Second Account in the report read, Whereof the tenor follows.

THE SECOND ACCOUNT of Supply and Inland Excise from the first of May 1690 to the first of February 1691 was Given in by Sir James Oswald and James Dunlop then General Receivers.

CHARGE,

1° Per the Rests of Supply and Inland Excise as per preceeding Account, One hundred and thirty five thousand two hundred and sixty two pounds thirteen ſhilling -	£135262	13	—

2° By Ballance of the foresaid account reſting by the ſaid Sir James, Nine thousand eight hundred and fourty eight pounds, two ſhilling - 9848 2 —

3° By eight moneths Ceſs Five hundred and ſeventy ſeven thouſand, and sixty six pounds, thirteen ſhilling four pennies - - - 577066 13 4

4° By three moneths Ceſs more Two hundred and sixteen thousand pounds - - - - 216000 — —

5° By Nine moneths Inland Excise from first of May 1690 to first February 1691 Two hundred and thirty thousand, one hundred & fifty eight pounds, eight ſhilling - - 230158 8 —

6° By the Inland Exciſe of several ſhires under collection from first of May 1690 to first of February 1691 Twenty ſeven thousand five hundred and eighty five pounds, sixteen ſhillings & eight pennies - - 27585 16 8

7° By money remitted from England for the ſervice of the Engliſh forces then in Scotland, Fourty eight thousand pounds - - 48000 — —

8° Ballance due to the Accountants, fifty one thouſand four hundred and twenty pounds, thirteen ſhilling - 51420 13 —

£1295342 6 —

DISCHARGE,

1° By Caſh payed to the forces and otherwayes by the Theſauries orders, Eight hundred and sixty one thouſand, ſeven hundred and thirty six pounds, four shilling and six pennies 861736 4 6

2° By Allowances to Charles Murray of Haldan, and Young of Leny, Sixteen thousand, eight hundred and sixty four pounds - - 16864 — —

3° By allowances to the Collectors of Inland Excise in Aberdeenſhire, Two hundred and thirty nine pounds, eleven ſhillings and four pennies - - - - 239 11 4

4° By Provisions furniſhed to the Forces, Two hundred and fifty two thouſand, two hundred and sixty two pounds six ſhilling and four pennies - - - - 252262 6 4

5° By payments, allowances and reſts as per particular Account One hundred and thirty six thouſand, nine hundred and sixty nine pounds, one ſhilling and four pennies - 136969 1 4

6° By the Inland Excise of Argyllshire, fourteen thousand four hundred and ſeventy one pounds, two ſhilling and six pennies - - 14471 2 6

7° By the Accountants ſallaries as General Receivers and Commiſsaries of the Army, Twelve thousand and eight hundred pounds - - 12800 — —

£1295342 6 —

UPON reading of which Account, Ordained that the instructions of the first article of Discharge be brought in the next diet of Parliament; As also the Instructions of the ſecond article; And the third article ſuſtained; As to the fourth article Remitted to the said Commiſsion to bring in a particular account of what is over rated therein: As to the fifth article, The Commiſsion to report how it was allowed to the Accountants and by whom next diet of Parliament: The consideration of the Sixth article continued to the next diet of Parliament, to the end the Clerks of Thesaury, and Mr Dunlop may give account thereof: And the ſeventh article sustained.

AS to the Observations of the Commiſsion on the ſaid Account, The tenor whereof follows.

OBSERVATIONS on this Account

1° That there was payed to the Earl of Melvill his Majesties Commiſsioner to the third Seſsion of Parliament, and to Sir William Lockhart Solicitor, Sixty two thousand and sixty three pounds, eighteen ſhilling.

2° That the fourth Article of the diſcharge is instructed by a particular account; But they find many articles in the ſaid account overcharged.

3° That there were allowances given to the Collectors of the Supply for fourty six thousand six hundred and eighty pounds, by his Majesties letter to the Thesaury.

4° That there was resting by several ſhires of their Ceſs and Excise the ſum of Seventy eight thouſand one hundred and ninety two pounds which was never carried to any ſubsequent account.

5° That the three moneths Ceſs imposed by the ſecond Act of the third Seſsion of the Parliament

of King William and Queen Mary was not applyed according to the deſign for which it was granted viz. for payment of the debts due to the Country, and the arrears to the army.

6° That the Accountants in their charge have omitted to state the fractions of Ceſs being four hundred pounds.

7° That the Ballance of fifty one thousand four hundred and twenty pounds thirteen ſhilling was resting to Sir James Oswald and James Dunlop But the Commiſsion finds that afterwards they Received Twenty eight thousand six hundred and fifty three pounds, one ſhilling and three pennies; Wherefore there is ſtill reſting to them of the ſaid ballance the ſum of twenty two thousand ſeven hundred and sixty ſeven pounds, eleven ſhilling and nine pennies.

THE fourth observation is to be Considered the next diet of Parliament: The fifth observation, That the Clerks of Thesaury give account how it was imployed and by whose order next diet of Parliament: The Sixth Observation, The Parliament find the ſum therein still due as is acknowledged by M' Dunlop: As to the ſeventh observation, Continued to be furder considered when the instructions of the former observations are brought in.

THE Third Account in the Report read, The tenor whereof does follow.

THE THIRD ACCOUNT of Supply and Inland Excise from first of February 1691 to the first of February 1692 was given in by Sir George Hamilton and Sir Robert Anstruther General Receivers.

CHARGE,	Scots Money
1° For five moneths Supply, Three hundred and sixty thouſand six hundred and sixty six pound thirteen ſhilling - - -	360666 13 —
2° Per Inland Excise from first of February 1691 to the first of Febraury 1692 Three hundred and twenty nine thousand and ninety five pounds twelve ſhilling -	329095 12 —
3° Per the Inland Exciſe which was in collection from first of February to first of November 1691 fourteen thousand eight hundred and sixty ſeven pounds three ſhilling -	14867 3 —
	£704629 8 —

DISCHARGE,	
1° By Subsistence to the Forces from firſt of February 1691 to the first of January 1692. Five hundred and ſeventy five thousand eight hundred and ninety four pounds sixteen ſhilling - - -	£575894 16 —
2° Per his Majesties Warrands, Thirty four thousand & eight hundred pounds - - -	34800 — —
3° Per the Thesauries Warrands, Twenty eight thousand, five hundred and thirty pounds, ſeven ſhilling - - - -	28530 7 —
4° Per Deficients, Sixty three thouſand four hundred & fifty ſeven pounds five ſhilling - -	63457 5 —
5° Per Expences for Charles Murray's Suspension One hundred & eighty pounds - - -	180 — —
6° Per annualrent of Eleven thousand four hundred and eleven pounds nineteen ſhilling one penny ſterling One thousand five hundred and fourty pound nine ſhilling -	1540 9 —
7° Ballance due by the Accountants, Two hundred & twenty six pounds, eleven ſhilling - - -	226 11 —
	£704629 8 —

WHEREUPON the Parliament ſustained the first article of Discharge; And the warrands of the ſecond and third articles ordained to be produced: The fourth article sustained as carried down to the next account: And the fifth and sixth articles ſuſtained as in the first observation thereon: And the Parliament find the ſeventh article is carried down to the ſubsequent account.

AS to the Observations on the ſaid Account, Which are as follows.

1° That the fifth and sixth Articles of the diſcharge ſhould not have been allowed.

2° That the fourth and ſeventh articles are carried to the ſubsequent Accounts.

3° That all the other articles of the diſcharge are ſufficiently instructed.

THE Parliament Sustain the fifth and sixth, And find the fourth and ſeventh carried down to the ſubsequent account.

THE Fourth Account in the Report read, and the articles of Discharge with the Observations thereon considered, Of which Account and Observations the tenor follows.

THE FOURTH ACCOUNT of Supply and Inland Excise from first of February 1692 to first of May 1693, was given in by Sir George Hamilton and Sir Robert Anstruther.

CHARGE,

1° Per Supply and Excise resting in February 1692, Sixty three thousand four hundred and fifty seven pounds five ſhilling - -	63457	5	—
2° Per Ballance of the preceeding account, Two hundred & eighteen pound, sixteen ſhilling - -	218	16	—
3° Per Inland Excise reſting by Bamf One hundred & twelve pounds ſeven ſhilling - - -	112	7	—
4° Per Two moneths and a half moneths Supply at Candlemaſs 1692, One hundred and eighty thousand, three hundred and thirty three pound, six ſhilling - -	180333	6	—
5° Per Two and a half moneths Supply at Lambmaſs 1692, One hundred and eighty thousand, three hundred and thirty three pounds, six ſhilling - - -	180333	6	—
6° Per two and a half moneths Supply at Candlemaſs 1693, One hundred and eighty thousand, three hundred and thirty three pounds, six ſhilling - - -	180333	6	—
7° Per fifeteen moneths Inland Excise four hundred and fifty three thouſand pounds - -	453000	—	—
	£1057788	6	—

DISCHARGE,

1° By money payed to the Forces and otherwayes, One million, seven thousand four hundred thirty eight pounds fifeteen ſhilling - -	1007438	15	—
2° By rests of Supply and Inland Excise, fourty nine thousand four hundred and fourty ſeven pounds, two ſhilling - - -	49447	2	—
3° By Ballance due by the Accountants Nine hundred and two pounds nine ſhilling - - -	902	9	—
	£1057788	6	—

OBSERVATIONS upon this Account.

1° That there was payed in to the Duke of Hamilton his Majesties Commiſsioner to the Parliament 1693, the ſum of twelve thouſand pounds.

2° That the Accountants were allowed One hundred and eighty pounds of poundage for advanceing the ſaid Sum.

3° That the Accountants had an allowance of Eighteen hundred pounds as poundage of ſeventy two thousand pounds payed to Baillie Brand for Arms Notwithstanding that by their Contracts with the Thesaury they were to have poundage only for what they advanced for the use of the forces.

4° That the Accountants had an allowance of Six hundred pounds for Expedeing their Commiſsion as Commiſsars of the army.

5° That the Accountants had two hundred and fourty pounds allowed them for ſending posts through the Countrey to ſtop the giveing of Corn and Straw to the troops, tho they had considerable ſallaries for that effect.

6° The abovementioned ſum of reſts being fourty nine thouſand four hundred and fourty ſeven pounds two ſhilling was never carried to any ſubsequent Account only the Lords of the Theſaury allowed Sir George Hamilton to collect the Sum of Twenty thousand one hundred and ſeventy eight pounds, sixteen ſhilling; But there was never any ſtated Account for the ſaid Rests.

7° That the foresaid Ballance of Nine hundred and two pounds nine ſhilling was depositat by the Accountants in the hands of Sir Thomas Moncrief, but never counted for.

UPON reading and considering whereof the first ſecond third fourth and fifth observations Sustained: And as to the ſixth observation Remitted to the Commiſsion to Consider the account given in by Sir George Hamilton and to report next dyet of Parliament; And the ſeventh observation Sustained.

AGREED That the Parliament will proceed on the report of the publict accounts the following diets of Parliament and go on therein till they be ended without interposeing any other buſineſs whatsoever.

ORDERED That the Solicitor cause cite all persons concerned mentioned in the report of the Commiſsion by whom the ſeveral ballances are alleadged to be due.

AGREED that the farder consideration of the plot come in after the ſaid Accompts are ended.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XIV, M,DCC,IV.

PRAYERS ſaid Rolls called.

MINUTS of the last Sederunt read.

THE Parliament proceeded to the further consideration of the Report of the Commiſsion for auditeing of the Accounts of the publick funds *And the fifth* account in the report being read, of which, and of the obſervations thereon the tenor does follow;

THE FIFTH ACCOUNT of Supply and Inland Excise from the first day of May 1693 to the first of October 1695 was given in by Sir James Oswald and Sir Alexander Bruce General Receivers.

CHARGE,

1° Per Eighteen Moneths Supply One Million two hundred and ninety eight thousand, four hundred pounds - - -	1298400 — —
2° Per twenty three moneths Inland additional Excise, Five hundred and fifty two thousand pounds	552000 — —
3° Per twenty six moneths Inland annexed Excise, Eight hundred and fourty five thousand & six hundred pounds - - -	845600 — —
4° Per Levy money for Sixteen hundred foot ſouldiers, Twenty eight thousand and eight hundred pounds - - - -	28800 — —
5° Per the Inland Excise of the ſhire of Argyll from first of November 1692, to the first of November 1694, Three thousand and eighty two pounds, eleven ſhillings	3082 11 —
	£2727882 11 —

DISCHARGE,

1° Per payments made to the forces and otherwayes, Two million, two hundred and thirteen thousand, three hundred and sixty ſeven pounds nine ſhilling - -	2213367 9 —
2° Per Extraneous precepts, Three hundred and sixty one thouſand five hundred and eighty ſeven pounds, ten ſhilling - -	361587 10 —
3° Per Rests of Supply and Excise, One hundred and fifeteen thousand, three hundred and eighty ſeven pounds, six ſhilling	115387 6 —
4° Ballance due by the Accountants, Thirty ſeven thousand, five hundred & fourty pounds, six ſhilling - - - - -	37540 6 —
	£2727882 11 —

OBSERVATIONS on this Account

1° That there was given to the Duke of Hamilton and Marqueſs of Tweeddale his Majesties Commiſsioners to the Parliament 1693 and 1695 fourty ſeven thouſand and four hundred pounds.

2° That there was the ſum of Sixty four thousand and thirty two pounds put in the hands of Sir Thomas Moncrief, in which is included the nine hundred and two pounds nine ſhilling as the ballance of the fourth account, who diſcharged himſelf of a part thereof viz. of Thirty thousand nine hundred and nine pounds five ſhilling applyed for the payment of arrears to ſome officers by the Kings and Theſauries Warrands; But the remainder viz. Thirty three thouſand one hundred and twenty two pounds fifeteen ſhilling was wholly exhausted by fees & pensions to the civil liſt.

3° That there was given to Captain William Areſkine two thouſand two hundred and fifty five pounds over and above what was due to him of a bargain of arms.

4° That there was payed out by the Lords of Theſaury upon Lord Neill Campbells account thirteen hundred and fifetein pounds four ſhilling over and above what was due to him as Governour of Dumbartoun caſtle.

5° That there was a ballance of twenty four thouſand ſeven hundred & fourteen pounds ten ſhilling charged upon Boyle of Kelburn now Earl of Glasgow and his partners as the remainder of their tack duty of Inland additional Exciſe But the Commiſsion have found this cleared by a posterior account as per the Committies Minuts dated the eighteenth of January 1704.

6° That there was a ballance reſting by Sir Thomas Kennedy of his tack duty of the Inland annexed exciſe amounting to Eighty thouſand

ſeven hundred & thirty pounds, But the ſame is cleared by a posterior account as per the Committee's minuts the eighteenth of January 1704. In this Account of Sir Thomas Kennedies The Commiſsion obſerves that there was given to him an abatement of his tack duty of Six thouſand pounds 2° That there was an allowance given to the ſhire of Argyll of twenty thousand four hundred and fourteen pounds, ſixteen ſhilling 3° That there was a Siſt given to Sir Thomas for twenty eight thousand and eight hundred pounds untill the determination of two proceſses before the Lords of Seſsion 4° That when these proceſses are ended Sir Thomas will have Twenty two thousand four hundred and sixty four pounds to pay in to the Thesaury, 5° There was alſo in this account twelve thouſand pounds given to Sir Alexander Bruce of Broomhall.

7° Upon the foreſaid fifth account The Commiſsion Observes That the Accountants ſought allowance of ſix thouſand nine hundred and eighty pounds ſeven ſhilling as the poyndage of two hundred and fifty five thouſand one hundred & fourty pounds ſeven ſhilling, which ſhould not have been allowed; Poyndage being only due according to their contract out of the precepts drawn for the forces.

8° That the ballance of the account viz. thirty ſeven thouſand five hundred and fourty pounds six ſhilling was reſting by the Accountants together likewayes with twelve thouſand pounds more received from Sir Thomas Kennedy which they charge themſelves with being in all fourty nine thouſand five hundred and thirty nine pounds twelve ſhilling; But that afterwards by a poſterior account they had cleared themselves of thirty four thouſand three hundred and ninety nine pounds, four ſhilling, So that there remains ſtill a ballance due by them of fifeteen thouſand one hundred and fourty pounds, eight ſhilling as per the Committee's minuts the eighteenth of January 1704.

In the foreſa'd poſterior account given in by Sir Alexander Bruce of Broomhall The Commiſsion Finds that there was thirty thousand one hundred and fourty four pounds lent to the Duke of Queensberry, and that his Grace's bond lyes ſtill in the Theſaury for the ſame.

The Charge and Diſcharge of Sir Alexander Bruces Account has been examined but not fitted in the Theſaury.

AFTER reading of which Account, The consideration of the ſecond observation thereon was Continued till the next diet of Parliament, and the Clerks of the Theſaury ordered to inſtruct how the ſume therein mentioned was applyed and to whom, and what money was payed out of the Civill liſt to the army: The third fourth fifth and sixth observations ſustained; Upon reading the ſeventh observation There was a petition presented by Sir Alexander Bruce and his partners anent his expences and deburſements in forrageing the army Craveing that the ſame may be provided for out of the fonds of the army and that it be Remitted to the ſaid Commiſsion to take in and ſtate his accounts Read, and ordered to ly on the table, And the Clerk to the Theſaury Ordered to give ane account thereof next diet of Parliament: As to the Eight obſervation Find the ſame carried down to the ſubsequent account.

THE Sixth account in the Report read, Which with the observations thereupon are as follows.

THE SIXTH ACCOUNT of Supply and Inland Excise from first of October 1695 to first of May 1697 was given in by Sir James Oswald and James Dunlop General Receivers.

CHARGE,

1° Per Six moneths Supply, four hundred and thirty two thousand one hundred and ninety eight pounds, fourteen ſhilling - -	432198 14 —
2° Per three moneths Supply, Two hundred and ſixteen thousand, and ninety nine pounds, six ſhilling	216099 6 —
3° Per four Moneths Supply, two hundred and eighty eight thousand one hundred and thirty two pounds, eight ſhilling - -	288132 8 —
4° Per twelve and a half moneths Inland Excise, Nine hundred and sixty nine thouſand and six hundred pounds - - - - -	969600 — —
5° Ballance due to the Accountants, Fifeteen thouſand, eight hundred and eighty one pounds, eleven ſhilling - - - - -	15881 11 —
	£1921911 19 —

DISCHARGE,

1° By payments made to the forces and otherwayes, One million, five hundred and ſeventy six thousand, six hundred and fourty eight pounds - - - - -	£1576648 — —
2° By money payed to the Muſter Maſter, four thousand ſeven hundred and eighty eight pounds -	4788 — —

3° By Extraneous precepts, Sixty ſeven thouſand two hundred & twenty nine pounds, six ſhilling -	67229	6 —
4° By a part of the tack duty of the Excise detained by the Lord Beilhaven and his partners, Extending to Two hundred & ſeventy three thouſand two hundred and fourty six pounds thirteen ſhilling - - - - -	273246	13 —
	£1921911	19 —

OBSERVATIONS on this Account

1° That there was the ſum of twenty one thouſand pounds given to the Laird of Jerviswood then receiver of his Majesties rents to enable him to pay a precept drawen by the Lords of the Theſaury for the behoove of the Earl of Tullibardine his Majesties high Commiſsioner to the Parliament 1696.

2° That there was lent to the late Duke of Argyll Nine thousand four hundred and thirty ſeven pounds, four ſhilling, for which his Graces bond is ſtill lying in the Theſaury.

3° That there was given to Collonel Hamilton Two thousand and four hundred pounds as a reward for his raiſeing recruits in this Kingdom for the English service.

4° That there was given to Sir Archbald Murray of Blackbarony ſeven thousand three hundred and thirty two pounds for repairing the Caſtle of Edinburgh, the accounts whereof were to be given in to the Theſaury with an atteſtation from My Lord Leven showing that the ſum of three thouſand ſix hundred pounds of the foresaid ſeven thouſand three hundred and thirty two pounds had been profitably Expended in reparations; But we have ſeen no ſuch attestation, tho Blackbarony has instructed that all the money he received was exhausted by payments made to workmen and others.

5° That there was lent to Collonel Hamilton for raiseing recruits five hundred & eighty eight pounds, for which his bond lyes in the Thesaury.

6° That there was an allowance of thirty one thousand six hundred and eighty pounds given to the Accountants for forrageing two Regiments of Dragoons for three moneths Which ſum includes twelve pennies per diem more for every horse than they had agreed upon with the Theſaury.

7° That there was an allowance given to the Accountants of twelve hundred pounds for the loſs of a bark, tho the article was not instructed.

8° That there was an allowance given to them of four thousand ſeven hundred and sixteen pounds, sixteen ſhilling as his Majesties part of ſupply in Orkney and Zetland, tho the article was not instructed.

9° That there was an allowance given to them of thirty ſeven thouſand ſeven hundred and ſeventy pounds for forrageing the horse guards whilst upon the Engliſh eſtabliſhment.

10° That the fourth article of the diſcharge is not fully cleared by My Lord Belhaven and his partners Except as to the ſum of fifty ſeven thouſand three hundred and ſeventy nine pounds given down by the Lords of Theſaury upon the Account of Legal allowances, But as to the Remainder, The Commiſsion are of opinion that tho there was an Act of Parliament in his Lordſhips favors, yet he is thereby only ſtated in a count and reckoning with the Theſaury.

11° That the Accountants in their Charge have omitted the fractions of Ceſs which amounts to thirteen hundred pounds and six ſhilling.

This Account was fitted in the Theſaury the ſeventh of March 1699.

UPON Reading of which account, The first Observation was Sustained by the Parliament; The ſecond Observation carried on to the next account: The third Observation, The Clerks of Theſaury Ordered to give an account thereof: The fourth, fifth, and sixth Observations Sustained: The ſeventh Obervation, The consideration thereof Reserved till the payment of the Ballance due to the Accountants be considered: The eight Observation to be Considered next diet of Parliament: The ninth Observation, That the decreet of Exchequer for instructing thereof be produced next diet of Parliament: Tenth Observation; It was put to the vote, Proceed to the consideration thereof, or Delay, and carried Delay: The eleventh Observation Sustained.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow, at ten a clock.

AUGUST XV, M,DCCIV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT Continueing the Commiſsion for auditing the Accounts of the publick funds, read, and a first reading ordered to be marked thereon.

THE Parliament proceeded to the furder Consideration of the Report of the Commiſsion for auditing the Accounts of the publick funds; And the Seventh Account in the Report being read, Which with the observations thereon are as follows.

THE SEVENTH ACCOUNT of Supply and Inland Excise from the first of May 1697 to the first of May 1699 was given in by Sir George Hamilton and Partners.

CHARGE,

1° Per Eighteen moneths Supply, One million two hundred and ninety six thousand pounds -	£1296000 — —
2° Per twelve Moneths Inland Exciſe at four pennies per pint Three hundred and eighty four thousand pounds - - - -	384000 — —
3° Per twelve moneths Inland Excise at Six pennies per pint Four hundred and ninety nine thousand and two hundred pounds -	499200 — —
4° From Provost Hume and partners, Sixty thouſand pounds -	60000 — —
	£2239200 — —

DISCHARGE,

1° Per payments made to the forces and the admiralty, Two million, two thousand and sixty ſeven pounds, ſeven ſhilling -	£2002067 7 —
2° Per Extraneous precepts, One hundred and sixty two thousand ſeven hundred and four pounds, ſeven ſhilling - - -	162704 7 —
3° Per Rests of Inland Exciſe and abatements as per Accounts, Seventy four thouſand one hundred and eighty eight pounds six shilling	74188 6 —
4° Ballance due by the Accountants, Two hundred & fourty pounds	240 — —
	£2239200 — —

OBSERVATIONS upon this Account

1° That there was fourty eight thousand pounds payed to the Admiralty for provideing ſhips of war and clearing the seamen, notwithstanding that the Pole 1695 was wholly appropriated for that end.

2° That the Accountants had an allowance of ſix thousand one hundred and thirty two pounds for forrageing the horse guards dureing the ſitting of the Parliament In which ſum there is included thirteen ſhilling per diem for each horse more than what they had agreed upon with the Theſaury ſo that they had eighteen shilling for each horse per diem.

3° That they had alſo an allowance of five thouſand four hundred and fourty nine pounds ten ſhilling for forrageing the ſaid guards from first of September 1698 to the fifeteenth of October thereafter.

4° That there was an allowance given to the accountants of four thousand and two hundred pounds for forrageing ſome horses over and above the number they had agreed upon with the Theſaury tho neither the number of horses nor the time they were forraged is instructed.

5° That there was twelve thousand pounds lent to the Duke of Queensberry for which his Graces bond lyes in the Thesaury ſo that his Grace is in all debitor to the publict for fourty two thousand one hundred and fourty four pounds.

6° That there was an abatement of twelve thousand pounds given to the tacksmen of the four penny exciſe upon the pint anno 1698.

7° There was given up in the diſcharge fifty six thouſand one hundred and four pounds five ſhilling reſting of Supply and Exciſe by several Shires & Burghs But there is only thirty eight thousand five hundred and four pounds carried to any ſubsequent account; ſo that [twenty thousand one hundred & four pounds five shillings] is ſtill reſting by the tackſmen of the Exciſe and others.

8° That there was an abatement of Six thouſand pounds given to the tacksmen of the ſix penny exciſe upon the pint anno 1698.

9° That the Accountants in their Charge have omitted the fractions of supply that make the sum of two thousand and four hundred pounds ſtill reſting by them.

This Account was fitted and diſcharged to the Accountants by the Theſaury upon the twentieth of February 1700.

UPON Reading thereof, The Consideration of the first observation Continued till the Pole 1695 come in to be considered: The ſecond and third obser-

vations ſuſtained: The fourth obſervation; Ordered that the Act of Excheq[r] for inſtructing the Articles therein mentioned be produced: The fifth obſervation carried on to the ſubſequent Account: The ſixth obſervation; Ordered that the Acts of Exchequer for inſtructing thereof be produced: The ſeventh obſervation Carried on to the ſubſequent Account: The eight obſervation Sustained: The ninth obſervation; Ordered that the ſhires of Roſs and Cromarty Adjust ther quotas so as to make up the total.

THE Eight Account in the Report read; Which with the Obſervations of the Commiſsion thereon follows.

THE EIGHT ACCOUNT of Supply and Inland Excise from the first of May 1699 to the first of May 1701 was given in by Sir George Home and partners.

CHARGE,

1° Per fourteen Moneths Supply, One million and eight thousand pounds - - -	£1008000 — —
2° Per two years Inland Excise, Six hundred and twelve thousand pounds - - -	612000 — —
3° Per Rests of Excise as per preceeding account given in to the Accountants by Sir George Hamilton and Ferguslie Thirty six thousand pounds - - -	36000 — —
4° Per Ballance reſting by Sir George Hamilton, Two thousand five hundred and four pounds -	2504 — —
5° Ballance due to the Accountants, Nineteen thousand eight hundred and ninety eight pounds, eleven ſhilling - - -	19898 11 —
	£1678402 11 —

DISCHARGE,

1° Per payments made to the forces, amounting to One Million six hundred and fourty ſeven thouſand, two hundred and sixty three pounds, ten ſhilling - -	1647263 10 —
2° Per Extraneous precepts, Twenty eight thousand five hundred and thirty eight pounds six shilling -	28538 6 —
3° Per Exemptions of supply, Two thousand six hundred pounds fifeteen ſhilling - - -	2600 15 —
	£1678402 11 —

OBSERVATIONS upon this Account.

1° That the Accountants have charged themſelves with no more of the Excise than they received viz. Six hundred and twelve thousand pounds, But the Excise being at that time fermed by Baillie Meinzies for four hundred and eighty thousand pounds per annum, there is resting by him to make up the compleat tack duty for two years three hundred and fourty eight thouſand pounds; As per the Committies minuts the twenty fifth of January 1704, where are inserted the reasons of the deficiencie.

2° That there was given to the late Duke of Argyll for privat intelligence Five hundred and eighty two pounds.

3° Likewayes to Major General Ramsay for privat intelligence Twelve hundred pounds.

4° To the Accountants thirteen thousand nine hundred and ninety six pounds sixteen shilling for forrageing the horses belonging to the troop of Guards from the fifeteenth of May to the twentieth of September 1700 In which ſum there is included thirteen ſhilling per diem more than they had agreed upon with the Thesaury.

5° That the Accountants had an allowance of eight hundred and ſixty two pounds, nine ſhilling upon the account of the diminution of the quota of Ceſs in Perth ſhire, which they ſhould not have had because the diminution of the valuation of Perth shire increaſed that of Fyfe and Kinroſs.

6° That the Accountants in their charge omitt the fractions of Ceſs which amount to one thousand eight hundred and fourty pounds.

This Account was fitted and diſcharged to the Accountants upon the third of March 1702.

UPON Reading whereof, The first observation continued till Sir William Meinzies be heard after the consideration of this account is ended; The ſecond and third observations; The Instructions thereof to be produced and considered in Parliament: The fourth observation ſuſtained: The fifth observation; Ordered that Robert Rutherfoord and the Accountants clear this article or be lyable for it: The sixth observation; That the ſhires of Roſs and Cromarty ſo adjust their quotas as to make up the total.

THE Parliament again proceeded to the consideration of the first observation in this account in relation to Sir William Meinzies And he being

called, Compeared and Presented an information with a petition, both which were read, and after hearing and debate The vote was ſtated, If the tack set by the Lords of Theſaury and Excheq^r to Sir William Meinzies and partners be a ſtanding tack for the first two years, Yea, or Not, and Carried in the affirmative.

THE Parliament Declared they would proceed upon the consideration of this affair next diet of Parliament: And after their proceeding on the whole matter their determination therein is as follows.

Act concerning Sir William Meinzies & Partners late Tacksmen of the Excise

AT EDINBURGH the fifeteenth of August I^m vije^e and four years Anent the report of the Commiſsion appointed for Examineing the publick accounts whereby they found Sir William Meinzies and his partners ſtill reſting the ſum of three hundred and fourty eight thouſand pounds Scots of his tack duty of the Excise for the two years thereof as the ſaid report and observations of the Commiſsion on the Eight account bears Which the Parliament haveing proceeded to Consider Sir William Meinzies and Partners late Tacksmen of the Inland and annexed Exciſe for five years beginning þe first of March I^m vje^e and ninety nine thereupon gave in and presented to her Majesties high Commiſsioner and the right honourable the Eſtates of Parliament a petition Shewing That where the Commiſsion of Parliament appointed for inquireing into deficiencies of publick fonds and causes thereof &c. being to report the petitioners caſe which is one of the most singular that ever occurred; They the petitioners had with the ſaid petition given an information of the true ſtate thereof as it was inſtructed before the honourable Sub-committie. Whereupon they take occaſion most humbly to implore the Juſtice and Commiseration of the Parliament That ſeeing they have already payed above two thouſand pounds Sterling of the tack duty I^m vje^e and ninety nine and I^m and vije^e beyond what the Exciſe either did or poſsibly could produce by reaſon of the extraordinary calamities through famine death &c. for these two years they might be liberat from the reſt of the tack duty which even their utter ruine cannot make up upon the grounds mentioned in the foresaid Information For thereby his Grace and the honourable Eſtates would perceive, how that upon the prospect of a promiſeing harvest in August I^m vje^e and ninety eight and that thereby the dearth would be at an end, The petitioners offered fourty thouſand pounds Sterling yearly for the Exciſe they getting a five years tack And they offered ſo much for these three pennies of the annexed Exciſe as the former tacksmen had payed for the six pennies of both the annexed and additional Excise because they thought the length of time in good years would enable them to that improvement of the revenue; But immediatly after the roup in August the harveſt became altogether diſaſtruous, first by great winds and thereafter by rains, yea and ſtorms of snow &c. which not only made the ſeason late and the victual ſcarce in the ſubsequent year I^m vje^e and ninety nine being the first of our tack; But likewayes the unwholeſomeneſs thereof by heating and otherwayes spoiled bear from being malt and disappointed the Countrey of their ſeed; and (with the plague of famine) occasioned ſo great a mortality &c. that the year I^m vije^e (which till the end of the year was to ſubsist on the product of the preceeding) was also moſt calamitous through the deſolation of Brewars, drinkers, and the want of the ſubject of liquors, or money or credit which were exhausted by the miseries of the former ſeaſons. The prospect hereof, and thereby of the impoſsibility of raiseing the tack duty out of the fond did not only make the other partners to decline ſigneing of þe tack But likewayes the petitioner Sir William Meinzies or Captain Wood who joined with him could not find Cautioners who would undergo ſo viſible an hazard, till upon intimations from the Government that they ſhould not be losers and upon the faith of a clause in the tack that in case a famine continued for three months They ſhould only be lyable as Collectors &c. They were induced to ſubscribe the tack after they had by petitions offered to give it up and to pay a penalty for getting free thereof, But when they entered upon the management of the tack which commenced in March I^m vje^e and ninety nine they did then and thereafter find more and more the ſad effects of the harveſt I^m vje^e and ninety eight Which they did not fail to remonstrat to the Theſaury and Excheq^r by a tract of petitions related in their information upon which they were ſo conscious of the truth of their grounds for which they declined the tack that even before the commencement thereof they got sists for Six thousand pounds Sterling of the first two quarterly moyeties of the tack duty when it ſhould fall due with order for induceing them to go into it: At laſt when they found the deplorable experience of what they ſuspected, the notoriety of the thing ſo far prevailed yet further on the Lords of Theſaury that they in February I^m vije^e Granted a ſist of execution for fifeteen thousand pounds Sterline of the first years tack duty I^m vje^e and ninety nine upon the petitioners paying up the other twenty five thouſand pounds Sterling, And as to the ſecond year I^m vije^e they ordained new Caution to be found (and accordingly the petitioners did actually give new ſufficient ſecurity) for what they could uplift and intromet with; So the petitioners took it to be an actual turning of the tack into a Collection Especially seeing their opinion in the matter was approven by the late King by his Majeſties remitting the ſame to the Theſaury for doing therein as they ſhould find just and reaſonable &c. Yet

notwithſtanding of all the petitioners applications for bringing the matter to a finall iſsue particularly their Addreſses to former Seſsions of Parliament other buſineſs has diverted any further progreſs therein except a Remit from the Parliament to the Theſaury and Excheq^r in January I^m vij^c^ and one for a new roup as to the years insueing thereafter (which accordingly were ſet to Dunbar of Thundertoun with his partners) and allowance from the Thesaury to bring in their liberation from the tack as to the two years not set of new, by way of ſuspension. While in the mean time the petitioner Sir William Meinzies lyes under this load his other Copartner Captain Wood being dead and his Cautioner denuded of his eſtate (without the petitioners knowledge) prior to his Engagement whereby not only the Petitioners Credit for the remaining tack duty for the two years tho he has already payed two thouſand pounds Sterling beyond what he received extending to twenty nine thousand pounds Sterling muſt ly at the ſtake; but likewayes if he ſhould die before this matter comes to be finally cleared his ſucceſsors would be altogether ignorant thereof And therefore this being an happy opportunity of haveing acceſs again to the equity and compaſsion of this high and honourable Court It was moſt humbly Represented That his Grace and the honourable Eſtates of Parliament would be pleased to take to their consideration the ſingularities of the Petitioners caſe for liberating him from the full tack duty of the ſaid two years And that thereby he is only lyable for his actual intromiſsions conform to the authentick books upon oath after all the diligence that was poſsible for man to take in thoſe circumstances, more particularly upon the following grounds viz. Primo not only by the common law throughout all Chriſtendome yea even in Holland where they are so precise upon the matter of their taxes, does one extraordinary fatality turn tacks to collections; but likewayes there is an expreſs clauſe in the tack ſet to the petitioner that in caſe of famine for three moneths it ſhould reſolve in a collection; And the petitioner ſubsumes That after the roup and tack there was famine for many more than three moneths which is instructed by evidences in the petitioners information; particularly that in this time multitudes died for want of bread, People lived upon wild runches and draff; other Countries prohibited victual to be exported; the prices with us were high above the ability of the meaner ſort; Tho our Government gave incouragement for importation by Præmios yet it did not ſupply our want: publict faſts were appointed for ſuch dreadfull famine and there were Acts of Government against exporting even from one ſhire to another, or turning bear into malt &c. Which neceſsity of imploying bear otherwayes than to brewing together with the badneſs and ſpoiling of the bear cropt I^m vj^c^ and ninety nine, and that influenceing the cropt I^m vij^c^ Did in a peculiar manner make the famine to have a yet more eminent effect as to brewing which was ſo ſensible that in ſome pariſhes there remained not three of thirty and odd brewars &c: But there needs no proof of so notour a truth to the grand inqueſt of the Nation in particular; who too well know the ſtate thereof in that wasteing time through the ſeveral corners of the Kingdom. It is true Tacksmen run all ordinary hazards; but caſus fortuiti tho they were not expreſsed are excepted in all contracts without which no man would enter in a tack especially with the publict, which is ſubject to ſo many caſualities much more ought this to hold where it is so expreſt in the tack it ſelfe as in the preſent caſe And that the rather because there was ſcarcity in former years preceeding the tack whereby the clause being adjected notwithstanding of that former scarcity could have no other meaning than that if the hopes of the harveſt and ceaſeing of the present dearth did faill, so that as there should be a famine ſtill for three moneths after the commencement of the tack, then and in that caſe it ſhould turn to a Collection Secundo That there are many other specialities in the petitioners caſe Such as in the first place upon the ſurpriſeing and unexpected change of the ſeaſon before ſigning the tack He offered to Renunce the minut of roup and redeem himſelf by a fine whereby he did forgo all hopes of gain by the tack for the future which very much differences his caſe from that of those who wait till they ſee the event of the hopes of gain before they ſeek abatement. In the next place by the aſsureances of the Government and the aforesaid clauſe about the famine calculat to the ſame end, the petitioner ſo relyed, as to look upon himſelfe to be no more, in effect, than a manager for the publict interest tho with ſome tollerable detriment to his privat fortune whereof both the Parliament and the Thesaury and his late Majestie had competent conviction, which procured their remits before narrated, Yea, In the third place the petitioner might humbly contend that his tack is already upon the matter turned to a collection by the foresaid deliverance of the Theſaury granting a ſift for fifeteen thouſand pounds of the first year and receiveing his Cautioners for a collection of the ſecond year (which was materially approven by his Majeſties remit to themselves who had done ſo) and by their ſetting of new the other three years upon a remit of Parliament; But the petitioner laid the whole at his Grace and the honourable Eſtates feet to be absolutely determined by them In the fourth place As the petitioner has already payed up two thousand pound Sterling beyond what he got up after haveing done the outmoſt diligence So now he is in a manner left alone with ſuch an inſupportable burden; for as at the beginning the other partners withdrew from signing the tack, so Cap-

tain Wood his only remaining partner hath none that will represent him and his Cautioner is an old man who had disponed his eſtate as aforeſaid So it was moſt humbly hoped That his Grace and their Lordſhips would not permit the petitioner to be quite overwhelmed by occasion of an emergent fatality of providence in the seasons which not only ſurprised the petitioner against the promiseing aspect of future years but likewayes the whole Nation yea and a great part of Europe for the years I^m vj^c^ and ninety nine and I^m vij^c^ of which at preſent the petitioner supplicats to be relieved And therefore Humbly Craveing His Grace and the honourable Estates to find that his tack does only oblidge him in ſuch a ſingular and circumstantiat case as for a collection the two years I^m vj^c^ and ninety nine and I^m vij^c^ which will be an act of both juſtice and compaſsion by liberating the petitioner and his family from ruin in what he did for a publick interest being overtaken by an unexpected and irreſistable calamity as the ſaid petition bears. With which was given in the foresaid information Whereof the tenor follows INFORMATION for Sir William Meinzies and partners late tacksmen of the Inland Excise lately given in by way of Repreſentation, to the Committee of Parliament appointed for inquireing into the management, right application and deficiencies of the publick fonds and cauſes thereof The Inland Excise being exposed to a roup in August I^m vj^c^ and ninety eight Sir William Meinzies as the greatest offerer was preferred to the tack thereof which conform to the articles was to indure for five years from and after the first of March I^m vj^c^ and ninety nine except in the caſe of plague famine or war In which caſes if the ſame did continue above three moneths he was only to count and be lyable as a Collector The Articles being ſigned by him with an oblidgement under a great penalty to ſigne the tack when extended Immediatly thereafter great winds haveing ariſen whereby much of the grain was ſhaken and upon the back thereof exceſsive rains haveing followed which did presage a bad harvest and that it would not be poſsible to raise the tack duty out of the fond all his partners except Captain Wood did reſile Whereupon he haveing represented the caſe to the Lords of Theſaury and offered before ſigning of the tack to be lyable to such a proportion of the penalty as their Lordſhips ſhould think fit to exact rather than to signe the ſame and Craved that in caſe they would oblidge him to sign the tack their Lordſhips might be pleased for incouragement to him and partners to declare at what rate of victual famine ſhould be understood: But the Lords of Thesaury haveing ſhunned to give him any answer at the time, Moved him and Captain Wood to signe the tack upon an insinuation That if they manadged the interest faithfully and exactly their case ſhould be considered And if the apparent scarcity continued and increased they would take their case to consideration ſo as they should be no losers. The tack being thus ſigned by them and their Cautioners upon the ſeventh of September I^m vj^c^ and ninety eight and the harvest continueing still more and more unseasonable ſo as much of the corns were to cut down in the middle of frost and snow and much of it never haveing ripened nor been cut they did again represent the calamitous caſe of the Nation before the commencement of the tack begging the said Lords might take the tack off their hands or declare ut supra at what rate of victual famine was to be considered But the Lords of Theſaury still as seems expecting a more favourable feason and being unwilling to lose the tack while there was the least prospect of the poſsibility of its indureance they did likewayes delay the giveing any answer to that petition: And withall encourageing the tacksmen to use their utmost indeavours in management of the fond to the best advantadge with plauſible insinuations that few or rather none would be made losers who ſerved the King faithfully. The Tacksmen being thus incouraged, did enter upon the management And considering the circumstances of the time, did with as great moderation and ſucceſs as could have been expected which is very well known: And of this the Lords of Theſaury being fully convinced and that the fond could not answer the tack duty They did grant a forbearance for three thousand pounds Sterling of the moities payable for each of the first two quarters untill a further eſsay ſhould be made what length the fond could make But when the third quarter was entered into the Tacksmen perceiveing that albeit the harvest did prove much more favourable than in the preceeding year yet that in many places the ground had not been laboured nor ſowen and that in ſeveral other places where ſowen the ſeed was ſo bad and unwholſome it did afford no increase proportionable to the former years And als the dearth continued and good ſufficient victual was not to be had but at a dearer rate than at any time it had been ſold within the Kingdom And als that through poverty these who were in uſe to imploy their ſtocks upon brewing had neither money nor credit to buy victual at the current rates Wherethrough there was not ſo much brewn by the half as in former years; They did again by a third petition repreſent the caſe to the Lords of Thesaury Shewing that it was not poſsible to raise above five thouſand pounds Sterling quarterly out of the fond And therefore Craveing (as formerly) That their Lordſhips might be pleased to take the Tack off their hands or if they inclined to continue them in the management to diſcharge the Commiſsars from diſtreſsing them for more than the fonds would answer, and for which they should be ready to count in the ſtrickest form when required Which petition did

alſo receive no answer The Commiſsars haveing continued to preſs the tackſmen for a farther payment albeit they had ſtretched their Credit and raised thereupon for ſupport of the exigences of the Government near two thouſand pounds Sterling more than they had recovered out of the fond And haveing then received ſure information from the most part of the corners of the Kingdom That becauſe of the calamity of the Countrey which ſtill continued there was no ground to expect that the half of the tack duty would be made effectual This did put the tacksmen under an absolute neceſsity to repreſent the case in a fourth petition to the Lords of Thesaury plainly insinuating that the exigencies of the Government in ſo far as depended upon that fond would be disappointed if not timeously provided for, in respect tho they ſhould be tyed by the tack, the whole ſtocks of them and their Cautioners would not answer the deficiency of one year albeit wholly seized upon which is a hardſhip that never any who ſerved his Majestie in the like post hath been as yet put to: And therefore humbly Beseeching that the tack might be taken off their hands and the fond imployed to the beſt advantadge in such manner as their Lordſhips ſhould think fit This petition haveing also received no answer; when the third quarters moitie became payable there being a party of two hundred men quartered upon the tacksmen which was a burden unsupportable, They did present a new petition to the Lords of Thesaury and Exchequer Representing that albeit the outermost ſeverity ſhould be used against them yet that the fond tho conjoined with their privat ſtocks and Credit would not make up the deficiency and that by neceſsary consequence the expence of quartering would incroach upon the fond of payment And therefore Craveing That the party might be removed and that they might be allowed to illustrate and give ſuch evidences of the calamitous circumſtances of the Country to their Lordſhips ever ſince the Commencement of their tack as they were hopefull would beget a full conviction that the deficiency arose from the fond and not from any mismanagement in them ſo as they might be Exonered and only made accountable as Collectors Upon which laſt petition the party was removed and the tacksmen allowed to be heard upon the grounds contained in their petitions and whereupon they can found for their being liberat from the tack by way of suspension: And therefore by the quality of the tack it being provided that in caſe plague famine or war be in the Land beyond the ſpace of three moneths that then the tack ſhould be void and dureing the management they ſhould only be accountable as Collectors, The Tacksmen tho very unwilling to expose to publick view the qualifications of the calamitous circumſtances the Nation was then groaning under and have been from August I^m^ vj^c^ and ninety eight at which time the excise was rouped and set to Baillie Meinzies and partners furder then what was absolutely neceſsary for their self preservation and liberating of them and their families from utter ruine did in all humility offer to the Lords of Theſaury ſuch qualifications thereof as they were hopefull tho they should not amount to a full probation of famine in the strictest sense yet that they would be repute ſuch as might induce their Lordſhips to make a full representation of the caſe of the Country and Tacksmen to his Majestie and untill his Majesties Gracious pleasure were known thereanent to Grant unto the tacksmen a forbearance from preſsing them for more than the fond could afford And for clearing whereof they did then offer and are yet content to expose their books upon oath before the honourable Court of Parliament, and which qualification did so far prevail That they did grant a forbearance of fifeteen thouſand pounds Sterling for the first year of the tack and for which they afterwards got his Majesties approbation This approbation is in the hands of Sir Thomas Moncrief and appointed also a farther inquirie into the matter Wherein since that time the Lords of Thesaury by reaſon of the then approaching Seſsion of Parliament and the other neceſsar affairs have made no furder inquiry only upon granting the foreſaid forbearance they did oblidge the Tacksmen to find new Caution for their ſubsequent intromiſsions and which they did and which was (as from time to time received) punctually payed in to the General Receivers The Grounds then laid before their Lordſhips of the Thesaury and thereafter before the Committee to be reported before the honourable Court of Parliament and which it is hoped will be found ſufficient for annulling the tack are Primo From the definition of famine it selfe which by all ſacred and profane writers on that ſubject, is, tanta annonæ penuria ut de vita plurimorum periclitetur: From which it is plain that if since the commencement of this tack many have dyed for want of bread and have been neceſsitat to make use of wild runches draff and the like for the support of nature which are kinds of food never before heard of in the Nation: then it neceſsarily follows that the Country is to be reckoned in a state of famine but ſo it is this was the caſe of many thousands within the Kingdom Secundo In whatsoever Country where there is no sufficiency of bread for maintainence of the Inhabitants thereof, and when it cannot be ſupplyed from other places and that many people die sterveing, that land is certainly to be reckoned in the ſtate of famine, And ſo was it in many parts of this Kingdom the first year of the tack Tertio It is to be accounted famine when the prices of the victual arise ſo far beyond the ordinary rates thereof that the generality of the Yeomanry cannot get the ſame purchased for their ſupport; And ſo was it with us the ſaid year. Quarto,

Famine is to be understood as overspreading the land, when notwithstanding of extraordinary incouragements by the wisdom of the Government allowed to importers of victual it is not brought in or at least what is imported is not sufficient, And this was our case the first year of the tack. Quinto, When for want of bread People die in the streets and high wayes in great numbers such as hath not been heard of in this Nation doth necessarly conclude an overspreading famine; But so was it in several corners of this Kingdom where in some paroches at least the one half died for want in the year foresaid. Sexto, When by authority publict fasts and dayes of humiliation are appointed for preventing the dreadfull famine impendent upon the Nation it is to be accounted by all that the Kingdom is in that state; And so was it with us as appears by the Addresses to the Commission of the General Assembly and Proclamations of Privy Council since the commenceing of the foresaid tack. Septimo Other places of Europe in our circumstances have owned themselves to be in a state of famine as appears by the publict prints And for which causes not only in our neighbouring Nations Exportation of victual out of the Kingdom was prohibited but also in this Kingdom there was a strict prohibition to export victual from one shire to another and in some principal cities and shires the makeing of bear into malt was prohibited: And it is nottour that these of our northern shires which were looked upon as great granaries and did yearly afford great support to this Country have not been able by all their increase in the year I^{m} vj^{c} and ninety eight to maintain the half of their own in the year I^{m} vj^{c} and ninety nine. Its also nottour That the cropt I^{m} vj^{c} and ninety eight was so bad a great part of it not cut down a great part of it altogether unwholsome and the land not fully sowen which are clear evidences of famine and consequently a ground to annull the tack Upon these grounds the Lords of Thesaury did not only Grant the foresaid forebearance of fifeteen thousand pounds Sterling of the tack duty of the first year of the tack and obtained his Majesties approbation abovementioned; But also did so far innovate the same and turn it to a Collection the second year of the tack, that their Lordships did oblidge the tacksmen to give new soverty for their intromissions with the fond that year and conform thereto they did manadge the fond most carefully And for preventing all jealousie of the misapplication did cause pay in the same to Robert Rutherfoord the Commissars depute And for which second year albeit they had some reason to conclude that they were only to be considered as Collectors Yet to answer the Exigencies of the Government they did advance several hundred pounds beyond what the fond afforded which can be instructed by their books upon the verity whereof they are content to depone and likewayes to suffer the most narrow scrutiny for canvesing the faith thereof and that under any penalty whatsoever. As the payments made of the first years tack duty did extend to twenty five thousand pounds Sterling and the sums collected and payed in to the General Receivers of the fond of the second year being twenty six thousand pounds Sterling or thereby did fall very far short of the tack duties which by the tack the Tacksmen were oblidged to pay for these years: So it is most certain that the fond did not afford these very sums payed albeit the same was managed with the greatest precaution and exactness that the circumstances of the Country could admit of, And the tacksmen are so far from being gainers by the tack and Collection dureing these two years that on the contrary they are already sufferers in their own privat stock of the lofs of two thousand pound Sterling and upwards. The Committee would also be pleased to consider and report That as immediatly after Sir William Meinzies's offer at the roup all his partners did resile except the now deceased Captain Wood for whom Jasper Johnstoun of Wariestoun became Cautioner. So Captain Wood is dead without representative and the said Jasper Johnstoun before his ingageing as Cautioner foresaid had disponed his whole Estate to his Grand children, of which Sir William Meinzies was altogether ignorant And therefore that albeit the Parliament should yet find ground to insist against him for the deficiencies of these years notwithstanding of the reasons above represented for annulling the tack, yet however it might tend to the utter ruin of him and his family his and his Cautioners stock can in no measure answer the same It was also defired that the Committie might consider and report that Sir William Meinzies is content to depone upon the verity of the haill grounds above represented and that he is not calumnious as to any thing therein contained. This Representation was found astricted by the honourable Committie comparing the same with the Minuts of Thesaury and Exchequer and otherwayes in manner mentioned in their report to the Commission of Parliament thereanent. And also the said Sir William Meinzies produced in presence of the Lord Commissioner and the said Estates of Parliament an Account of the Inland Excise intrometted with by him from the first of March I^{m} vj^{c} and ninety nine to the first of March I^{m} vij^{c} and from the first of March I^{m} vij^{c} to the first of March I^{m} vij^{c} and one Whereof the tenor follows ACCOUNT of the Inland Excise intrometted with by Baillie Meinzies from first of March I^{m} vj^{c} and ninety nine to the first of March I^{m} and vij^{c} Imprimis From the Toun and Shire of Edinburgh Colin Alison Collector Seven thousand and seven hundred pounds Sterling The shire of Haddingtoun William Bernard Collector Nine hundred and seventy six pounds fifeteen shillings and seven pence, The Shire of Berwick David

Renton Collector Three hundred and thirty pounds eleven ſhillings and ſeven pence The Shire of Roxburgh and Selkirk Walter Scot Collector, Four hundred and eighty two pounds one ſhilling and nine pence, The Shire of Peebles James Brotherſtanes Collector One hundred pounds, The Shire of Dumfreis Steuartry of Kirkcudbright and Annandale William Crauford Collector Six hundred and ninety two pounds fourteen ſhillings and one pennie The Shire of Wigtoun Robert Mackclellan Collector One hundred and ninety three pounds ſeventeen ſhillings and eleven pence The Shire of Air George Seaton and George Blair Collectors Nine hundred and sixty nine pounds six ſhillings and four pence The Shire of Bute Sir James Steuart in tack Fourty one pounds thirteen ſhillings and four pence The Shires of Renfrew and Dumbartoun Archbald Bannatine of Kelly Collector Seven hundred and thirty four pounds fifeteen ſhillings and two pence The Burgh of Glaſgow and four paroches Charles Bruce Collector One thousand five hundred and ten pounds five ſhillings and nine pence. The Shire of Lanerk except Glaſgow James Carmichael John Smith and William Rentoun Collectors payed only Three hundred and twenty four pounds two ſhillings and four pence The Shire of Argyll Mr John Campbell in tack One hundred and eleven pounds two ſhillings and two pence The Shire of Stirling John Burd and Lieutenant Colonel Erſkine Collector Six hundred and one pounds five ſhillings and six pence The Shire of Linlithgow Henry Rollo of Woodſide Collector Six hundred and thirty nine pounds ſeventeen ſhillings and four pence The Shires of Perth and Clackmannan James and Robert Campbells one thouſand four hundred and sixty four pounds sixteen ſhillings and eleven pence The Shires of Fyfe and Kinroſs Thomas Bethun of Tarvit Collector two thouſand two hundred and ninety one pounds one ſhilling and one penny. The Shires of Forfar and Kincardine James Ramsay and Thomas Rattray Collectors one thousand four hundred and eighty five pounds six pence, The Shire of Aberdeen James Keith and John Steuart Nine hundred and sixteen pounds ten pence. The Shires of Bamf Elgine and Nairn William Dunbar Collector payed only Two hundred and eightie one pounds The Shires of West Roſs and Inverneſs James Dunbar Collector Four hundred and twenty four pounds seven shillings and two pence The Shire of East Roſs Sutherland and Cromarty Mr Alexander Roſs Collector Two hundred and eleven pounds two shillings and nine pence The Shire of Caithneſs William Maxwell Collector fifty five pounds The Isles of Orkney and Zetland Henry Legat Collector not cleared One hundred and fifty pounds The Excise of Brandie Imported Charges deduced yearly about Seven hundred and fifty pounds The total is Twenty three thousand four hundred and thirty six pounds eighteen ſhillings and one penny. And from the first of March Ic vijc to the first of March Ic vijc and one Edinburgh the ſecond year the said Colin Alison Collector Eight thousand pounds ſterling, Haddington Shire William Bernard Tacksman Eight hundred and ſeventy pounds, Berwick Roxburgh and Selkirk Shyres William Cockburn Tacksman Eight hundred and eighty pounds. Peebles William Williamson in Tack One hundred and thirty pounds. The Shire of Dumfreis Steuartry of Kirkcudbright and Annandale Mr William Johnstoun Seven hundred pounds. Wigtoun and Air set to William Kennedy of Daljarrock, One thousand three hundred and thirty three pounds six ſhillings and eight pence. Bute to Sir James Steuart Fourty one pounds thirteen ſhillings and four pence Renfrew and Dumbartane to Archbald Bannatine of Kellie Seven hundred and ſeventy ſeven pounds fifeteen ſhillings & six pence Toun of Glasgow set to the Magistrats at One thousand six hundreth and sixty six pounds thirteen ſhillings and four pence The Shire of Lanerk to Walkinshaw Six hundred and fifty five pounds thirteen ſhillings and one penny The Shire of Argyll to Mr John Campbell One hundred and eleven pounds two ſhillings and two pence The ſhire of Stirling to John Burd Seven hundred and five pounds eleven ſhillings and one penny The Shire of Linlithgow to Robert Taylour and Woodside Seven hundred pounds, The Shire of Perth to Patrick Johnstoun of Gormock One thousand six hundred and thirty three pounds six ſhillings and eight pence The Shire of Clackmannan to James Campbell Two hundred pounds The Shire of Fyfe and Kinroſs to Thomas Bethun of Tarvit Two thousand two hundred and twenty two pounds four ſhillings and five pence The Shire of Forfar and Kincardine to James Ramsay and Thomas Rattray One thousand eight hundred and eighty pounds The Shires of Aberdeen Bamf Elgine Nairn Inverneſs Roſs Sutherland Cromarty and Caithneſs to James Keith Two thousand one hundred and fifty pounds The Isles of Orkney and Zetland as first year not all payed One hundred and fifty pounds The Excise of Brandie imported all charges deduced Seven hundred and fifty pounds Sum is Twenty five thousand five hundred and fifty ſeven pounds six ſhillings and three pence, First years intromiſsions Twenty three thousand four hundred and thirty six pounds eighteen ſhillings and one penny Total is Fourty eight thousand nine hundred and ninety four pounds four ſhillings and four pence Payed per recepts to the Commiſsars of the army fifty one thousand pounds Sterling & Received only as above forty eight thousand nine hundred and ninety four pounds four ſhillings and four pence So that the petitioner is already in advance Two thousand and five pounds fifeteen ſhillings & eight pence Since first extending of the above Account there is Received from Brewers in and about Edinburgh besides what is above about

Two hundred pounds Sterling as the said Information & Account also fully bears. WHICH Petition Information and Account being heard and considered by her Majesties high Commiſsioner and the ſaid Estates of Parliament They Found and hereby Finds That the tack set to the ſaid Sir William Meinzies and his partners was a ſtanding tack for the years I^{m} vj^{c} & ninety nine and I^{m} vij^{c} and Ordained and hereby Ordain the ſaid Sir William to pay at the terms of Martinmaſs and Candlemaſs next by equal portions the ſum of Five thousand pounds Sterling of his tack duty and Remitted and hereby Remit to the Commission of Parliament to be named to consider whither the Account given in by him is a true Account and to report next Seſsion of Parliament And in the mean time Sisted and hereby Sist Execution for the remaining ſum of his tack duty and Ordained him to Signe the said account Accordingly the ſaid Sir William haveing signed the foresaid Account thereafter gave in and presented to her Majesties high Commiſsioner and the ſaid Eſtates of Parliament another petition Shewing That albeit the petitioner had Exhibited before the honourable Court of Parliament a full & faithful account both of what was received of the ſaid Inland Excise And what was payed in by him to the General Receivers upon that Account Whereby its evident he had been constrained by the preſsing importunities of the Lords of the Thesaury to advance two thousand pounds Sterling more than truely he received or was collected of the said fond nor were there any outstanding debts by the Subtacksmen or others imployed as Collectors by the petitioner Which can ever be recovered or imputed in payment of any part of the ſaid two thouſand pounds Sterling except about Two hundred pounds Sterling or thereby of reſts in and about Edinburgh And about Eight hundred merks in Orkney as the rests of the two years Excise of Orkney and Jetland which tho yet standing out is nevertheleſs placed in the foresaid account as payed And the petitioner haveing answered upon the highest aſseverations before this honourable Court of Parliament every point and question whereby any article or circumstance of the account exhibited could be in the least ſuspected or redargued The petitioner was humbly of the belief and expectation that this honourable Court being fully convinced of the petitioners candor and faithfullneſs in all this affair would have fully Exonered him from being further lyable beyond the two thousand pounds Sterling of loſs he had already sustained Yet it haveing ſeemed good to the honourable Court to find the petitioner lyable in payment of the ſum of four score and ten thousand merks more to be payed at Martinmaſs and Candlemaſs next without expreſsly exonering the petitioner of the foresaid tack of the Inland Exciſe and duty therein contained He humbly begged leave to represent That the foresaid ſentence will amount to no leſs than a forefeiture to the petitioner and will be of no use at all to those who expect the benefite thereof unleſs the petitioner be fully Exonered of the foresaid tack and tack duty; for as all the effects he has in the World will not raise the money at the terms appointed ſo his personal Credit is not worth a groat ſo long as that tack and tack duty hangs over his head. Therefore it is neceſsary both for preſerveing the petitioner and his family from utter ruin and to make the ſentence of Parliament of ſome use and advantage to those who are to have the benefite thereof And that the petitioner may have Credit to imploy himself and his ſmall fortune for makeing the ſame effectual. And therefore Craveing his Grace and the Honourable Eſtates of Parliament fully to Exoner the petitioner and remanent persons concerned for the Inland Excise of the years I^{m} vj^{c} and ninety nine and I^{m} vij^{c} and of the tack and tack duty granted for the ſamen upon the petitioners makeing due and punctual payment of the ſaid Sum of fourscore and ten thousand merks contained in the foresaid ſentence of Parliament to which of neceſsity he must acquiesce notwithstanding of two thousand pounds Sterling already advanced and upon the petitioners giveing bond that whatever ſhall be diſcovered to have been intrometted with and received by him except the two articles about Edinburgh and Orkney foresaid he ſhall make payment of the quadruple thereof without any defalcation: Which as it is a demonstration of the petitioners ingenuity ſo is all in his power to be offered for Enabling him to make the ſentence of Parliament effectuall and neceſsar to explain the favor and commiseration this honourable Court has alwayes expreſsed to the petitioner Or otherwayes to supercede the payment till the ſcrutiny be made as the ſaid petition bears Which petition and desire thereof being likewayes read in presence of her Majesties high Commiſsioner and the ſaid Eſtates of Parliament They haveing heard and considered the ſame, by their deliverance thereon upon the twenty third of August I^{m} vij^{c} and four (before Extracting of this Act) Allowed the Marqueſs of Lothian and other officers of the army to see and answer the ſame the Sederunt then first after to morrow And in the mean time Remitted and hereby Remits to the Commiſsion the ſcrutiny of the account, And Ordains Letters of Horning and all other Execution needfull to paſs hereupon in form as Effeirs.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Absent Members] ORDERED That the orders of the house be put in Execution against the members that are absent at calling the rolls.

[Fishing Trade] OVERTURE for an Act advanceing and Establiſhing the fiſhing trade read and ordered to ly on the table and to be printed.

[Sir William Meinzies] THE Parliament proceeded to the further consideration of Sir William Meinzies's affair and after hearing him and debate thereon It was put to the vote Whither he ſhould pay at the terms following Nine thousand pounds Sterling or Five thousand pounds Sterling of his tack duty and carried Five thouſand pounds Sterling payable at Martinmaſs and Candlemaſs next by equal portions And Remitted to the Commiſsion of Parliament to be named to consider whither the account given in by him be a true account to be reported next Seſsion of Parliament, and in the mean time Sists Execution for the remaining ſum of his tack duty as is fully contained in the act concerning that matter before written.

BEFORE the ſaid vote the Earl of Sutherland Protested That whatever Deduction of the tack duty was given to Sir William Meinzies that the Parliament make it up, as is more fully contained in his protest, Whereof the tenor follows.

Protestation The Earl of Sutherland. SEEING The Inland Excise set to Sir William Meinzies and partners for ninety nine, and ſeven hundreth was appropriat for paying the arrears due for the army so as to give them a jus quesitum, I Protest in name and behalf of the Officers of the army That in case the Parliament think fit to give Sir William Meinzies and partners any deduction of their tack that then this Honourable house may be oblidged to make up the deficiency of the funds. Sic subscribitur Sutherland.

Order p^t none of the Collectors or tackſmen appointed by Sir Wm Meinzies pay any Sums to him p^t are not contained in the acco^t given in by him ORDERED That none of the Collectors or Tacksmen appointed by him pay any ſums of money to him that are not contained in the ſaid Account.

ORDERED That the Clerks of Thesaury bring in a report how the army was payed dureing Sir William's tack.

THE Account of the Hearth Money read, Whereof and of the Observations thereon made by the foreſaid Commiſsion of Parliament, the tenors follow.

ACCOUNT of the Hearth Money.

THE first extraordinary fond Granted since the eleventh of April 1689 was the hearth money by the Parliament King William and Queen Mary Seſsion third Act third Which fond was by the ſaid Act strictly appropriated for paying the debts due to the Country and the arrears to the army being fourteen ſhilling for each hearth in the Kingdom to be payed in at Candlemaſs 1691 without exception or exemption of any but the hearths of hospitals and of such poor as lived upon the charity of the paroch For the bringing in thereof Mr James Melvill of Caſsingray was made principal Collector With power to him to name his ſubcollectors for whose intromiſsions he ſhould be lyable as per his bond as principal and the Earl of Leven as Cautioner lying in the Thesaury.

THE CHARGE of the Hearth Money.

1° By payments made to him and his ſubcollectors from ſeveral ſhires as per particular account, One hundred and fifty one thousand nine hundred and twenty one pounds, eight ſhillings - - - - -	£151921	8	—

DISCHARGE,

1° By payments made by him to the forces upon the Thesauries precepts as per account, One hundred and thirty ſeven thousand five hundred and thirty three pounds, nine ſhilling - - - - -	137533	9	—
2° By the Subcollectors Sallarys conform to the Lords of Thesauries Eſtabliſhment, Seven thousand and eight pounds, three ſhillings -	7008	3	—
3° Ballance due by Caſsingray Seven thousand three hundreth and ſeventy nine pounds, sixteen ſhilling	7379	16	—
	£151921	8	—

OBSERVATIONS on the Hearth Money.

1° That Caſsingray in his Accounts has stated Eight thousand six hundred and ſeventy ſeven hearths belonging to hospitals and poor people living on charity as to which there can be no objections these being excepted in the act.

2° That he has stated Twelve thousand six hundred and eighty seven hearths deficient in their payments, But over and above that number there was a whole paroch deficient in the shire of Air, The whole lands pertaining to the sherif of Murray, The whole Lands pertaining to Grant of Elches The whole lands pertaining to the Laird of Calder, The whole paroch of Claich The whole lands pertaining to the Laird of Dunmaglash Likewayes the houses of Rothesay Kinross Leithingtoun and Pinkie.

3° That he has omitted to state the charge of hearths in the shires following viz. Dumfreis Kincardin Ross Cromarty Nairn Elgine, and the Steuartry of Orkney and Zetland But acknowledges to have received Six thousand two hundred and thirty pounds eight shilling in part of the hearth money of the shires of Ross Dumfreis Elgin Nairn Cromarty Orkney and Zetland The Subcollectors of these shires not haveing given in their books nor deponed upon the same.

4° That after he had stated his account with the Thesaury the subcollector of Elgine and Nairn gave in his books to the Thesaury wherein he makes the number of the hearths of that Shire to extend to three thousand one hundred and fourty five hearths: Likewayes that the subcollector of Kincardine gave in his books wherein the hearths of that shire Extend to three thousand six hundred and twenty eight But did not depone upon the verity of his list nor never counted with the Thesaury.

5° That there was no books produced by the subcollectors of the shires of Dumfreis, Ross, Cromerty, Orkney, and Zetland.

6° That of the sum of One hundred and thirty seven thousand five hundred and thirty three pounds, nine shilling mentioned in Cassingrays discharge there was One hundred and nine thousand and eighty one pounds, nine shilling applyed for payment of the arrears due to the forces whereas by the Act of Parliament it should have been applyed for payment of debts due by the army to the Country in the first place Likewayes out of the foresaid One hundred and thirty seven thousand five hundred and thirty three pounds nine shilling they find the sum of Twenty eight thousand four hundred and fifty two pounds payed for subsisting the forces then standing which they humbly conceive was imployed also by the Lords of the Thesaury contrary to the designe of the act.

7° That the balance of Seven thousand three hundred and seventy nine pounds, sixteen shilling mentioned in the discharge was payed up, Or at least that there were precepts drawn upon Cassingray for the same The Commission haveing seen these precepts marked in the Thesaury books But because sufficient Documents were not produced for instructing that the persons to whom the balance was payable had received the same Therefore the Commission allowed the Earl of Leven a diligence for recovering any writs that were wanting to instruct the foresaid payments as also to bring in all the Collectors who had not deponed upon the verity of their books nor counted for their intromissions.

UPON Reading whereof, The first observation sustained: The second observation; The Clerks of Thesaury ordered to produce the Thesaury books for instructing thereof: As to the third fourth and fifth observations, The Parliament Finds that whatever was payed in by Cassingray conform to the fitted account with the Thesaury The Cautioner cannot be lyable therefore, And allows the twelve thousand hearths as deficient in regaird the Collectors deponed thereon before the Thesaury and their bonds were ordained to be given up to them: And as to the shires paroches and houses not given up, Ordered That the Collectors count for them before a Commission to be named And Finds the Cautioner only lyable according to their intromission And Remits to the said Commission to Cite before them such as were Collectors at that time & to inquire thereanent. As to the Sixth observation, Ordered that the Clerks of Thesaury give in account next diet of Parliament how the articles therein mentioned were applyed, and by whose order.

OVERTURE for an Act anent misapplication of funds given for maintainence of the forces, read, and ordered to ly on the table and to be printed.

THE seventh observation, The ballance therein Remitted to the Commission to be named to be further considered by them.

THE Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till friday next at ten a clock.

AUGUST XVIII, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT continueing the Commission for auditeing the Accounts of the publick funds read for the second time and the further consideration thereof delayed till the next diet of Parliament.

ORDERED That Sir William Meinzies signe the account given in by him last diet of Parliament.

THE Account of the Pole money, the year I^m vj^c^ and ninety three, read, Whereof and of the Observations made thereon by the ſaid Commiſsion of Parliament the tenors follow.

ACCOUNT of the Pole Money 1693

By the Parliament 1693 Act ninth, Pole money was granted for paying the debts due to the Countrey and arrears to the army from the first of November 1689 to the first of February 1691 and ſtrictly appropriated for that end.

The Lords of Thesaury Set the ſame in tack to my Lord Roſs Sir John Cochran of Ochiltrie Sir Robert Steuart of Allanbank Sir George Hamilton of Barnton Sir James Oswald of Fingleton Baillie James Grahame William Cunninghame of Brounhill and James Dunlop Collector, being eight principal tacksmen bound to the publick in solidum for a tack duty of five hundred and twenty nine thouſand two hundred pounds payable at two terms viz. at Candlemaſs and Whitsunday 1695.

These Eight principal Tacksmen were afterwards joined with fourteen Copartners being in all twenty two tacksmen and accordingly they proceeded in the management of the Pole; But because of the difficulties occurred to them in the inbringing thereof the Estates of Parliament in anno 1695 Act thirty first, thought fit to turn the tack into a Collection So that the foresaid twenty two tacksmen became thereafter lyable only as Collectors and countable for their intromiſsions; In the ſame Act, the Parliament appointed Commiſsioners to determine in all things relative to this Pole Whereupon the said Commiſsioners according to a power given them did set the Pole in tack a ſecond time to my Lord Belhaven The Laird of Grant Sir John Houstoun of that Ilk and Sir Robert Dickson of Sornbeg for a tack duty of three hundred and sixty thousand pounds whereof the Laird of Jerviswood is made general receiver.

The said Commiſsioners after they had ordered ſeveral payments to be made to the Countrey they reported their proceedings to the Parliament 1698 Whereupon it was remitted back to them to Judge in all the difficulties they had found dureing their Commiſsion with a Parliamentary power But matters not being fully ended by them there was a new Commiſsion appointed by the Parliament 1701 and instructed likewayes with the ſame power.

The Lords and others of the ſecond Commiſsion thought fit to break the ſecond tack of the pole and turn it again into a Collection the twenty two above mentioned tacksmen being still lyable as Collectors.

CHARGE of the Pole Money 1693 upon the Collectors.

Collected of Pole money by the ſeveral Collectors Two hundreth and ninety one thousand three hundred and seventy six pounds, six ſhilling - - - - -	£291376 6 —

DISCHARGE,

1° Payed in to Jerviswood General Receiver Two hundred and twenty three thousand ſeven hundreth and five pounds ten ſhilling - -	£223705 10 —
2° Allowed the Collectors for their Expences by the ſecond Commiſsion of Parliament Twelve thousand pounds - - - - -	12000 — —
Ballance due by the Collectors fifty five thousand six hundred and seventy pounds sixteen ſhilling	55670 16 —
	£291376 6 —

OBSERVATIONS on the Pole 1693.

1° That the breaking the second tack of the Pole was an ease to the nation, but a loſs to the army.

2° That the foresaid sum of Two hundred and twenty three thousand ſeven hundreth and five pounds ten ſhilling payed in to Jerviswood was duely counted for by him being exhausted upon precepts from the Thesaury and the first Commiſsion of Parliament except as to four thousand three hundreth and fifty pounds six ſhilling ſtill in his hands.

3° That the Country looking upon what was owing by the army to be a desperat debt ſuch disadvantadgeous transactions were made as the half of what was owing came to be lost; besides several ſums are yet owing to the Country which are neither payed nor transacted.

4° That the ballance due by the Collectors viz. fifty five thousand six hundreth and ſeventy pounds ſixteen ſhilling was by the ſecond Commiſsion of Parliament ordered to be put in the hands of Archbald Houstoun their Clerk and now by the Commiſsions order Transferred to Walter Riddel their Clerk which at present is the only fond remaining for payment of the Arrears due to the army from the first of November 1689 to the first of February 1691.

THEN a petition for Katharin Hamilton relict of Captain Alexander Dunbar Craveing payment of arrears due to her husband with a declaration and consent ſubscribed by ſeveral officers in her favors read And after reasoning thereon It was put to the vote grant the desire thereof for three hundred pounds Sterling in part of the arrears craved, or remit to the Commiſsion And carried Grant the desire thereof for three hundred pounds Sterling, in manner following.

Act in favors of Catherine Hamilton relict of Capt Alexr Dunbar

ANENT the petition given in and presented to his Grace her Majesties high Commiſsioner and the honourable Eſtates of Parliament by Catherine Hamilton relict of the deceased Captain Alexander Dunbar Humbly Shewing That where the said deceased Captain Alexander Dunbar haveing ſerved at the revolution in my Lord Blantyre and Kenmures regiments as Captain; the army at that time did fall into arrears for a whole year there being nothing payed either to officers or souldiers whereby the respective Captains were neceſsitat to subsiſt their Companys upon their own charges and credit And the said deceased Captain the petitioners husband did accordingly ſubsist his Company by uplifting the whole effects he had for that end, and did further ingage himself in debt for subsisting of the said company relying upon the publick faith for his reimbursement. The Parliament which laid on the Pole Iᵐ vjᶜ˙ and ninety one took special care that in the first place the Country debt ſhould be payed and accordingly appointed the Privy Council to take in all instructions of debts due to the Country and to order their payment out of the first of the ſaid Pole money Which orders of the Councils were declared by the ſaid Act of Parliament to be ſufficient for payment of the ſaid Country debts Accordingly the whole Country debts were payed But the petitioners said husband haveing Subsisted his Company the whole time there was never any charge or claime given in by the Country against him or Company. The said deceaſed Captain did not only maintain his Company in manner foresaid by which there is due to him an account of arrears Extending to about five hundred and fifty pounds Sterling conform to the account given in But also dureing the continuance of the last Commiſsion of the Pole which had very long and frequent Sederunts he did act for the behoof of the haill officers concerned in the ſaid pole and was the ſole person that purſued the tacksmen, and brought that matter to the clearneſs it is now at, whereby there were near Six thousand pounds Sterling clearly brought in for the behoof of the ſaid officers besides considerable progreſs and discoveries he made of other funds In all which he was at extraordinary labour and pains as is well known to the Lords and others of the Commiſsion who sat in the year Iᵐ vijᶜ˙ & one who being conscious of his diligence and pains he was at in the matter would certainly have ſeen him payed of his whole arrears. And ſeeing there is no other fund left by the petitioners ſaid deceased husband for ſubsiſting of the petitioner and numberous familie but this her just claime to the ſaid arrears Her said husband haveing truely laid out his whole ſubstance in ſubsiſting his Company in manner foresaid Therefore Craveing his Grace and the Eſtates of Parliament to take the premiſses to their ſerious consideration and to Ordain the persons in whose hands the ſaid ſum so discovered and brought in is now lodged to pay to the petitioner the foresaid arrears or ſuch a part thereof for ſubsisting and alimenting her and her numerous family as his Grace and the Eſtates of Parliament ſhould think fit, as the ſaid petition bears. For instructing of which petition there was produced for the petitioner in presence of his Grace her Majesties high Commiſsioner and the ſaid Eſtates of Parliament an testificat and declaration in the petitioners favors be the ſeveral officers concerned in the ſaid pole. Testifieing and Declaring to their certain knowledge That the ſaid deceaſed Captain Dunbar during the ſitting of the ſaid Commiſsion did act and agent for the haill officers concerned in the ſaid pole and was ſole agent and mannadger for them before the ſaid Commiſsion and was at great pains and expences thereanent and was very aſsistant in makeing discoveries of the pole and hearth money not counted for and was otherwayes very ſerviceable to the haill Officers in the ſaid matter For which cauſe he was to have preference for what arrears were due to himself as the ſamen of the date the day of Iᵐ vijᶜ˙ and four years bears. Which petition and deſire thereof being this day read in preſence of his Grace her Majesties high Commiſsioner and the said Estates of Parliament And they haveing considered the ſame with the foresaid declaration and consent ſubscribed by the said officers and the circumstances and condition of the said petitioner and her family And being therewith well and ripely advised Her Majesties high Commiſsioner and the ſaid Eſtates of Parliament Ordained and hereby Ordain Walter Riddell Clerk for auditeing the accounts of the publick funds Archbald Houstoun Writer to the Signet or any other person in whose hands the fund of the pole Iᵐ vjᶜ and ninety three or any part thereof is, to pay instantly out of the first and readiest of what is in their hands or either of their hands to the ſaid Kathrin Hamilton petitioner or her order the ſum of three hundred pounds Sterling in part of the ſaid arrears due to her ſaid deceased husband and that for the special aliment of the petitioner and her ſaid family And Ordaines Letters of Horning on fifeteen days charge and others Executorials needful to paſs and be direct hereupon in form as effeirs.

THEN upon consideration of the foresaid account of the pole money in the year I^m vj^c^ and ninety three years, and Observations thereon, The first & second Observations Sustained and the ballance therein mentioned Allowed to the Laird of Jerviswood As to the third Observation After reasoning thereon it was put to the vote Whither to prefer the accounts ſtated due to the Countrey or to the officers for their arrears to the ballance of the ſaid account and carried Prefer the officers for their arrears And the Parliament recommended to the Commiſsion to be named to inquire into the undue transactions made anent the accounts due to the Country and to report.

THE Parliament Recommends to the Commiſsion to be *named* to Consider the arrears due to the garrisons of the castles of Edinburgh Stirling and Dunnotter to the effect that what was payed out by the ſeveral officers for ſubsisting their garrisons may be reimbursed to them.

THE fourth observation delayed till the next diet of Parliament.

AGREED that the Parliament discuſs the Accounts previous to all other buſineſs.

[Ratifications & Fairs] ORDERED that the Queens Advocat and Solicitor revise the Ratifications and fairs to be past *in* this Seſsion of Parliament.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

AUGUST XIX, M,DCC,IV.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

[Additional representation of Barons] ACT for an additionall representation of Commiſsioners of Barons to the Parliament read And after reasoning it was put to the vote Mark a first reading thereon or Ly on the table and carried Mark a first reading Which was ordered accordingly and the draught ordered to be printed.

[Free voting in Parliament] ACT for secureing free voteing in Parliament read and a first reading ordered to be marked thereon and that it be printed.

PETITION Lieutennant Collonell Alexander Campbell of Finab Craveing paym^t^ of arrears due to him read and ordered That two hundred pound Sterling be payed him out of the first and readiest of the tack duty due by Sir William Meinzies on the account of his ſaid arrears and good service in Calledonia.

Act in favors of Lieutennant Collonell Alex^r^ Campbell of Fanab

ANENT the Petition given in and presented to his Grace Her Majesties high Commiſsioner and the right honourable the Estates of Parliament by Lieutennent Collonell Alexander Campbell of Fanab Shewing That where the Petitioner haveing ſerved at home and abroad in the Duke of Argyll and the Earl of Portmores regiments, there was due to him dureing the time these regiments were on the Scots eſtabliſhment the ſum of One hundred and fifty pounds Sterling of arrears And seeing all the officers who went to Caledonia got payment of their Arrears except the Petitioner himself who has yet got nothing Therefor Craveing His Grace and the right honourable the Eſtates of Parliament to take the premiſses and the Petitioners other Services to their consideration And to take ſuch remede and order for his payment and ſatisfaction as his Grace and the Eſtates ſhould think fit as the ſaid Petition bears. Which Petition and desire thereof being this day read in presence of his Grace her Majesties high Commiſsioner and the ſaid Eſtates of Parliament and they being therewith well and ripely advised They have Ordained and hereby Ordain Two hundred pounds Sterling to be payed to the said Lieutennent Collonell Alexander Campbell Petitioner for his arrears and good ſervice in Caledonia out of the first and readieſt of the funds due by Sir William Meinzies.

PETITION The Earl of Crauford Craveing relief of his ingagements for the publick for cloathing his regiment and payment of arrears due to him read, And ordered that Sir William Meinzies out of the first and readiest of the ſums due by him pay to the Petitioner what he is ingaged in for cloathing as ſhall be instructed before the Thesaury or Commiſsion to be named for auditing the publick Accounts, Whereupon an Act was Extracted as follows.

Act in favors of the Earl of Crauford

ANENT the Petition given in and presented to his Grace her Majesties high Commiſsioner and the right honourable the Eſtates of Parliament by John Earl of Crauford Shewing That where the Petitioner was neceſsitat to ingage his privat credit and Contract with Sir George Home and his partners and with Alexander Bruce and Patrick Chambers in the I^m^ vj^c^ and ninety five for cloathing the regiment of foot then under the Pe-

titioners command And on that account he became personally ingaged to pay them a very great Sum And whereof he has been ſince oblidged by legal diligence to make payment of a considerable part And its perfectly known that ſince his regiment was disbanded he has never been able to recover payment nor relief of his ingagements nor to procure payment of his arrears which extends to no leſs then thirteen moneths retention and clearance and which for his whole regiment amounts to a very considerable sum Whereby His Grace and their Lordships will plainly see the great hardſhips and inconveniencies which the Petitioner lyes under on this publick account and how just and reasonable it is that he ſhould not only be reimbursed of what he has advanced but likewayes that he ſhould be payed of his arrears and relieved of what he stands ingaged for and for payment whereof he is dayly molested and threatned with the utmost rigour of all legal diligence So that at present his whole effects are arreasted and he ſhall be no longer able after riſeing of this Parliament to protect either his person or his effects from the diligence of these persons to whom he ſtands ingaged on the foresaid publick account And albeit upon his late application Her Majestie hath been graciously pleased to Recommend his present case most favourably to the right honourable the Lords of her Majesties Thesaury Yet hitherto there is nothing effectually done for his payment or relief but he is left exposed to the greatest hardships except his Grace and their Lordships timeously prevent the same And Therefore Craveing His Grace and their Lordſhips seriously to consider the preſsing and urgeing circumstances of the Petitioners present case And ſeeing the difficulties he is tristed with arise from his ingagements for the publick therefore to provide ſuch effectual remedies and give ſuch certain orders that he may not only be reimbursed of what he ſhall instruct he has truely advanced and payed but also that he may obtain payment of his haill foresaid arrears which are now resting these Six years bypast and full relief of his said ingagements on the foresaid publick Account as the ſaid Petition bears Which Petition and desire therof being this day read in presence of her Majesties high Commiſsioner and the Estates of Parliament and they haveing Considered the same and being therewith well and ripely advised They have Ordained and hereby Ordain Sir William Meinzies in the first of the ſums due by him to pay to the Petitioner what he is ingaged in for cloathing as shall be instructed before the Thesaury or Commiſsion to be named for auditeing the publick Accounts.

[Petitions read]

PETITION The Duke of Atholl and the officers of his late Regiment, Petition Marqueſs of Lothian and the officers of the Regiment of dragouns under his Command, Petition Viscount of Teviot, Petition Lieutennent General Ramsay and the officers of her Majeſties Regiment of foot guards, Petition Collonell George Mackgill, Petition Sir William Douglaſs Petition Lieutenent Collonell John Hepburn, Craveing relief of their ingagements for the publick for cloathing their regiments and payment of the Arrears due to them, Petition Captain Slezer Craveing relief for cloathing the Artillery Company, all read, and the ſeveral Petitions to be considered when the Accounts come in.

PETITION Mr Charles Campbell Craveing payment of arrears due to him read, And ordered that One hundred pounds Sterling be payed him to Account, as follows.

Act in favors of Captain Charles Campbell

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Captain Charles Campbell Humbly Shewing unto them That the Petitioner had the honour to Command a troop of dragouns in the Marqueſs of Lothian's (then Lord Jedburgh's regiment and afterwards the Lord Forbeſse's) at the breaking whereof there was about One hundred pounds Sterling of arrears due to the Petitioner besides that Moneths pay in which they were broke at Inuerneſs he haveing furniſhed ſubsiſtence to his troop out of his own pocket. That the Petitioner dureing his ſervice in the said Regiment did ſupply his troop with twenty good and ſufficient horses at his proper charges worth two hundred pounds Sterling Of which he might have been reimbursed if the regiment had continued in ſervice As also there is One hundred and fifty pounds Sterling due to the Petitioner as his share of the retention for cloathing. That being ambitious to imbrace every occaſion to ſhew his zeal and affection to the government the Petitioner was perswaded to give a gratification of two hundred pounds Sterling for his Commiſsion This the Petitioner does only mention to ſhew his Grace and their Lordſhips that he has ſustained great loſs and as yet received little or no benefite in the publick ſervice Which has reduced the Petitioner to ſeveral difficulties and can only be repaired by their favour and justice Craveing therefore His Grace and their Lordſhips to take what is above repreſented to their ſerious consideration And for the petitioners relief to grant a precept out of the readieſt funds for ſuch a sum as their goodneſs and wisd m ſhould think fit to make up the Petitioners loſses and disappointments as the said Petition bears. And Her Majesties said Commiſsioner and the Estates of Parliament haveing this day fully Considered the ſaid Petition and being therewith well and ripely adviſed They Ordained and hereby Ordain One hundreth pounds Sterling to be payed to the Petitioner.

Captain Robert Taylor's Petition Remitted

PETITION Captain Robert Taylor Craveing that a sum of money advanced by him for supplying the garriſon of Cambusmoir may be repayed him, with intreſt, read, and Remitted to the Commiſsion to be named for auditeing the accounts to inquire thereanent and to report.

[Lord Bargany]

PETITION The Lord Bargany Craveing a decreet of the Commiſsion of Parliament anent the Pole to be suspended, read, And Sir John Cochran appointed to see & answer against the next diet of Parliament, But the Parliament refused to sist execution in the mean time.

[Sir William Meinzies]

PETITION Sir William Meinzies Craveing detention of a sum of money for cloaths furnished by him to the Duke of Atholl then Earl of Tullibardin, his regiment, read.

PETITION Frances Counteſs Douager of Seaforth Craveing an aliment, read, and after reasoning It was put to the vote Grant the desire of the Petition Yea or No, And carried in the affirmative, And five hundred pounds Sterling granted to her of yearly aliment out of the Eſtate of Seaforth dureing the dependence of the proceſs before the Lords of Seſsion, in manner following.

Act in favors of Frances Counteſs Douager of Seaforth

ANENT the Petition given in and presented to his Grace Her Majesties High Commiſsioner and the right honourable the Eſtates of Parliament by Frances Counteſs Douager of Seaforth Shewing That when in the year I^{m} vj^{c} and eighty four the Petitioner was married in England to the late Earl of Seaforth she brought with her for portion Six thousand pounds Sterling really and truely payed and by an article of their mariage contract her Lord and ſhe were to be intertained for three years in her father the Marqueſs of Powis his house where indeed they were intertained for five years both freely and honourably And on the other part the Earl of Seaforth and his friends did agree in articles That the Petitioner ſhould have a jointure of one thousand pounds Sterling by way of annuity payable in London Paris or Bruſsells For implement whereof there was a disposition of a jointure annuity drawn up in Scotland by the advice of the best Lawyers to be granted to the Petitioner by the Counteſs of Seaforth elder in whose person the nine preferable appriseings of the Eſtate all mentioned in the ſaid disposition were ſettled And upon this disposition duely ſubscribed the Petitioner was infeft under the great ſeal But a few years thereafter her Lord comeing to decease leaveing a ſon and a daughter of their marriage When ſhe thought to have entered into the poſseſsion of her jointure she found there was none to answer or ſo much as to regaird her for more than the space of two years after her Lords decease In which time all the Petitioner received out of the Eſtate for her ſelf and children was just fifeteen pounds Sterling And further when being thus constrained she raised actions of poinding the ground and for maills and duties before the Lords of Seſsion She had two intereſts as they call them thrown in, one by my Lord Justice Clerk and another by Mr Robert Blackwood merchant who both alleadged that the Petitioner could be answered in nothing because her right did flow from a person that had no right So that proceeding a non habente (as they speak) they affirmed it to be null and repeated their reduction prepared to fortifie the alleadgeance: The surprise of this demurr was so much the greater that both the Petitioner and all her friends and the beſt Lawyers that advised her ſettlement never doubted but that her disposition and infeftment flowing from the old Counteſs who was known to have the only preferable right and to be in the intire poſseſsion of the Eſtate was unquestionably good and that her titles and rights were likewayes as ſecure in her hands as the Petitioner could wish Seeing that her intereſt as ſiar (besides her near relation) far preferable to the Petitioners of a liferent annualrenter did wholly depend upon them, But ſo it was that the Petitioner was sadly disappointed and neceſsitat to take a day to produce her authors rights for to ſustain her own But the more she advanced in her pursute ſtill the greater difficulty for when ſhe had taken out a diligence against the supposed havers and had procured both the Counteſs her ſelf and all others whom the Petitioner could suspect to be examined upon oath ſhe could diſcover nothing save that probably the Appriseings and the Infeftments upon them were ſtill extant and that the Conveyances thereof to the trustees of the Eſtate might also be found, nor were their diſpositions denudeing them in favors of one Kenneth Mackenzie all wanting; but the principal and most neceſsary mid-couple viz. Kenneth Mackenzies deed denudeing him in favors of the Counteſs the Petitioners author was denyed by all, and could not be found by the outmoſt diligence the Petitioner could use, Whereupon the Petitioner was neceſsitat to apply to the Lords of Seſsion for the interim of an aliment untill she might some way extricat her ſelfe out of ſuch great and unexpected difficulties But tho it pleased their Lordſhips to ordain her an aliment of five hundred pounds for one year and then an aliment of other five hundreth for a ſecond year Yet the Petitioner may freely own it to his Grace and their Lordſhips that the firſt year which is all ſhe has received of this aliment was in a manner wholly exhausted by diligences that ſhe was forced to uſe before she could recover it: This being her preſent ſtrait she is neceſsitat being a poor deso-

late ſtranger so sadly afflicted and disappointed to apply to his Grace and their Lordſhips for remedy And thereupon the Pursuer has raised an action before the Parliament against the ſaid Kenneth Mackenzie and others, hopeing that this honourable Court will do her the justice to cauſe the ſaid Kenneth Mackenzie renew his foresaid deed which is abstracted or miscarried and upon which all the Petitioners right and ſecurity depends As alſo that the Parliament will help her to recover these rights wanting which are ſo ſadly withheld to the fruſtrating all her expectation: The Petitioner ſhall not Complain to his Grace and their Lordſhips that notwithstanding of her great ſtraits yet by all ſhe can learn the Counteſs who is her author and from whom ſhe derives right is ſtill the poſſeſſor of the Eſtate nor ſhall ſhe offer to obviat ſome other things that have been very unfavourably alleadged against her specially in order to her ſon But this ſhe freely Declares to his Grace and their Lordſhips that if she knew but how to ſubsist him as a Gentleman only in this Country she would use her outmost endeavours to bring him back being firmly persuaded there can be nothing more advantageous both for his intereſt and the Petitioners But ſeeing his Grace and their Lordſhips perceive to what difficulty the Petitioner is redacted, how ſhe is postponned as to her right and ſtraitned as to any appointment of aliment and after all ſhe has done forced to enter into a new proceſs before this honourable Court if poſſibly that may afford her any relief, The Petitioner most humbly implores his Grace and their Lordships commiseration and that at least in the mean time she may have an honourable aliment decerned and ſettled in her favors in ſuch manner as this honourable Court ſhall appoint and the ſame to indure ay and while the Petitioner may recover her just right and attain to the poſſeſſion of her jointure And this the Petitioner hoped that the Parliament would find both to be just equitable and favourable and withall ſuch a neceſsary expedient as she cannot ſubsist without and hath often been granted in the like caſes And Therefore humbly Craveing His Grace and their Lordſhips to take the Petitioners ſad condition into their ſerious consideration and to ordain her ſuch an aliment as they ſhould find just and in ſuch a manner as may be effectual specially seeing all parties concerned are ſufficiently acquainted with this affair and appointments of this nature are both in use to be and must be ſummar in regaird of the ſo preſsing and viſible neceſsity for it as the ſaid Petition bears. Which Petition and deſire thereof being read in preſence of his Grace her Maᵗˢ high Commiſsioner and the said Eſtates of Parliament They by their deliverance thereon the third of August inſtant Allowed the Earl of Seaforths Creditors to see and answer the same And the ſaid Petition being this day again read in preſence of his Grace her Maᵗˢ high Commiſsioner & the right honourable the said Eſtates of Parliament and there being no answers thereto And they being therewith well and ripely advised They Ordained and hereby Ordain five hundred pounds Sterling to be payed yearly to the Petitioner Frances Counteſs Douager of Seaforth dureing the dependence of the foresaid proceſs before the Lords of Seſsion And Ordain Letters of horning and other Executorials needful to be direct hereupon for that effect against the Factors Chamberlands Intromettors with, and poſſeſsors of the Eſtate of Seaforth.

MOVED that the Parliament proceed to the Accounts of the publick funds, Likewayes moved that they proceed to the Act anent the wool And after reasoning thereon It was put to the vote Proceed to the Wool act or to the Accounts next diet of Parliam[t] and Carried first to the Wool act and then to the Accounts previous to all other buſineſs.

MOVED that the Act and Commiſsion for plantation of Kirks and valuation of teinds be read in order to have a first reading marked thereon And after reasoning it was put to the vote Proceed or Delay and carried Delay. [Plantation of Kirks &c.]

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXII, M,DCC,IV.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

IT was objected that in the principal List of Commiſsioners of Supply for the Shire of Dumbartan the Earl of Eglintoun is named in place of the Earl of Wigtoun; Agreed that the Earl of Wigtoun was the person intended, and that in the List to be printed the Earl of Wigtoun's name be insert. [Commiſsioners of Supply for Dumbartan]

ACT Diſchargeing importing of all woollen manufacture and allowing the exporting of wool read the ſecond time; There was a petition presented for the Manufactories, Craveing to be heard by their Lawyers for their interests against paſsing the said act read, And after reasoning thereon it was put to the vote, Hear the Lawyers for the Manufactories or Not, and carried Not, And the act being again read with a paper containing reasons against the said act, After debate it was put to the [Exportation of Wool]

vote Allow the exporting of wool or Not and carried Allow the exportation of wool, and agreed that all ſorts of wool be exported till next Seſsion of Parliament incluſive.

A CLAUSE was offered to be added to the ſaid act That there be a duty put on all the wool exported; After reasoning thereon it was put to the vote Add the clauſe or Not and carried Not.

ANOTHER clause was offered to be added to the ſaid act That all the woollen manufactures of this Nation exported be free of all duty dureing the continuance of this Act And after reasoning thereon It was put to the vote Add this clause or Not and carried Add And the further consideration of the Act delayed till next diet of Parliament.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIII, M,DCC,IV.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

[Anent the Plot] ORDERED that the consideration of the papers relating to the plot come in immediatly after the accounts and nothing to interveen.

[Wool] THE act anent the Wool again read and put to the vote Approve of this act or Not, and carried Approve.

[Public Accounts] ACT continueing the Commiſsion for auditing the Accounts of the publick funds read the ſecond time And after ſeveral amendments made thereon It was put to the vote Approve this act or Not and carried Approve.

The Parliaments Thanks to the Members of the Commiſsion THE Lord Chancellour by order of Parliament gave thanks to the Earls of Galloway Northesk Belcarras Dunmoor and Stair, Robert Dundaſs of Arnistoun Sir John Lauder of Fountainhall John Haldan of Gleneagles William Seaton of Pitmedden younger James Ogilvie of Boynd younger Colin Campbell Mr John Clerk Mr Dougald Steuart Sir David Cunningham and Mr Robert Fraser members of the ſaid Commiſsion for the exact diligence in their report And allowed a gratification to four of their number being a Committie appointed by the rest to whom there was given a sum to be distribute by them to their Clerk and the other ſervants.

PETITION Archbald Houstoun Writer to the Signet Craveing a gratification for his two years ſervice as Clerk to the late Commiſsion of Parliament read And he allowed to Retain of the money in his own hands ane hundred pounds Sterling for his ſaid ſervice as follows.

Act in favors of Archbald Houstoun Writer to the Signet HER Majesties high Commiſsioner and the Eſtates of Parliament haveing heard the petition of Archbald Houstoun Writer to the Signet Humbly Shewing unto them That the petitioner haveing had the honour to serve as Clerk to the late Commiſsion of Parliament anent the pole I^m^ vj^c^ and ninety three for the space of two years and upwards dureing which time the petitioner served in the ſaid office with all poſsible care and never exacted any thing from the officers for his ſaid ſervice. And seeing by orders of the last Commiſsion for auditing the publick funds any of the money that was brought in to the petitioners hands is ordered to be transmitted intirely to the hands of their Clerk And that the Commiſsion to whom the petitioner ſerved as Clerk and who ſaw and knew his pains and diligence thought fit to referr the gratification they should think proper for him untill the dividend ſhould be made And seeing it is just that he ſhould have a consideration and reward for his two years ſervice and labour in the ſaid affair haveing received nothing at all from the officers as ſaid is And now being to deliver up what of the fund of the pole money is in his hands Therefor humbly Craveing his Grace and the honourable Eſtates of Parliament to Allow and Appoint to the petitioner ſuch a ſuteable gratification & reward for his two years service and pains as said is as his Grace and honourable Eſtates ſhould think fit And to allow the petitioner to retain the ſame in his own hands, as the said petition bears And his Majeſties high Commiſsioner and the ſaid Estates of Parliament haveing fully considered the said petition and being therewith well and ripely advised They Allowed and hereby Allow to the petitioner for his above two years service and pains Six hundred pounds Scots yearly Extending in all to twelve hundred pounds money foresaid And Allowed and hereby Allow the petitioner to retain the said sum of twelve hundred pounds in his own hand.

ORDERED that these who have claims to the respective funds and have not given in petitions be equally considered by the Commiſsion with these that have given in petitions.

AGREED that all who are lyable to diligence for cloathing their regiments and companies be specially taken into consideration by the Commiſsion according to the appropriations by Acts of Parliament.

Remit in favors of Lieutenent Collonell Campbell

PETITION Lieutennant Collonell Campbell Craveing payment of arrears read and remitted to the Commiſsion to consider the specialities therein mentioned.

PETITION William Montgomery ſervitor to the Earl of Seafield Lord high Chancellour Craveing payment of arrears due to his father read and ordered that one hundred pound Sterling be payed him out of the first and readiest of the pole I^{m} vj^{c} and ninety three in manner following.

Act in favors of William Montgomery Servitor to the Earl of Seafield

ANENT the petition given in and presented to his Grace her Majesties high Commiſsioner and the right honourable the Estates of Parliament by William Montgomery ſervitor to the Earl of Seafield Lord high Chancellour Shewing That where Hugh Montgomery of Boreland the petitioner's father haveing served as Corporal to the late Earl of Eglintoun his troop and thereafter as quarter master, there was due to him of arrears preceeding the first of February I^{m} vj^{c} and ninety one years the ſum of One hundred pounds Sterling money And the petitioner haveing payed considerable ſums for his said father when he was redacted to great ſtraits & difficulties even to the hazard of imprisonment and want of neceſsary ſubsistence for himself and family and that the said Hugh Montgomery did faithfully serve his late Majesty in the said offices wherein he spent his own means whereby he was reduced to the foresaid ſtraits and difficulties Therefore Craveing his Grace and the honourable Eſtates to allow the petitioner the arrears due to his ſaid father whereunto he has right from him for the causes foresaid to be payed out of the pole money I^{m} vj^{c} and ninety three which is lying in the hands of the Clerk to the Commiſsion of Parliament which is the fund appointed for the foresaid arrears as the said petition bears Which petition and desire thereof being this day read in presence of his grace her Majesties high Commiſsioner and the said Eſtates of Parliament and they haveing heard and considered the samen and being therewith well and ripely advised They Ordained and hereby Ordain one hundred pounds Sterling to be payed him out of the first and readiest of the pole money Ninety three.

Remit in favors of Lord Forbes, Lieutenent Collonell Bruce & Lieutenent Co^{ll} Reid.

PETITION the Lord Forbes Craveing payment of arrears read, and Remitted to the Commiſsion to consider the specialities therein mentioned and Lieutennent Collonell James Bruce of Kennet and Lieutenent Collonell Reid their cases likewayes remitted to the Commiſsion.

Remit in favors of Major Cunninghame of Aiket

PETITION Major James Cunninghame of Aiket Craveing payment of Arrears read and remitted to the Commiſsion.

Remit in favors of Eliz^{t} Maxwell, Jean Drummond & Lieu^{t} Jo^{n} Murray

PETITION Elizabeth Maxwell spouse to Captain Robert Drummond and Jean Drummond his ſister as haveing right from Captain Thomas Drummond also her brother craveing payment of arrears due to them, read and remitted to the Commiſsion And the case of Lieutenent John Murray in the Earl of Tullibardines late Regiment likewayes remitted to the commiſsion.

Remit in favors of Lieu^{t} Alex^{r} Stirling

PETITION Lieutenent Alexander Stirling Craveing payment of arrears, read and remitted to the Commiſsion.

Remit in favors of Lieu^{t} Collonell Hay.

PETITION Lieutenent Collonell William Hay of Park Craveing payment of arrears read and remitted to the Commiſsion for the publick accounts to consider the petitioners case with that favour which his present condition and the loseing of one of his brothers in Darien and another before Namure justly deserved.

[Captain Thomas Hay]

PETITION Captain Thomas Hay craveing a protection read, And a warrand granted to cite his Creditors on twenty four hours warning.

Remit in favors of Sir Alex^{r} Bruce & partners

PETITION Sir Alexander Bruce of Broomhall and partners Craveing repayment of depursements for the army out of some proper funds read, and remitted to the Commiſsion for publick accounts, This remit neither ſisting execution against him and partners, nor at his cautioners and partners instance against him for their relief.

PETITION Sir George Hamilton Craveing payment of bygone ſallaries due to him read and remitted to the Commiſsion to consider his case and determine therein as they ſhall find just, in manner following.

A Remit in favors of Sir George Hamilton of Tulliallan

HER Majesties high Commiſsioner and the Eſtates of Parliament haveing heard the petition of Sir George Hamilton of Tulliallan Humbly Shewing unto them That where his Majesty King William of ever glorious memory by his letters patent of the date at Kensingtoun the fifth day of January I^{m} vj^{c} and ninety one years and thereafter expede under his Majesties great ſeal of this Kingdom did nominat and appoint the petitioner Receiver General of the funds of Supply and Inland Excise and Pay Master General of the army Which offices by the said Letters patent the petitioner was to brook and enjoy till the same were recalled by his Majesty with all the profites & emoluments known to appertain to the ſaid office And for the petitioners pains and trouble in the diſcharge thereof Six hun-

dred pounds Sterling of yearly ſallary was appointed to him by the ſaid letters patent As the ſame produced with the said petition bears. The petitioner did enter upon the said office and continued therein several years and diſcharged the same to the satisfaction of the Lords of Thesaury and all others concerned as is well known to ſeveral of their Lordships he received two years and three months ſallary and there is yet due to him upwards of five years preceeding the Kings death his Commiſsion not haveing been recalled dureing that time And therefore Craveing his Grace and honourable Estates of Parliament to consider the premiſses and Ordain the petitioner to be payed off the bygone ſallaries due to him in the way and manner and out of such funds as his Grace and their Lordſhips ſhould think most proper as the said petition bears. And her Majesties High Commiſsioner and the said Eſtates haveing considered the said petition this day They Remitted and hereby Remit to the Commiſsioners for the publick Accounts to consider the petitioners case and determine therein as they ſhall find just.

Remit in favors of Cornet John Murray

PETITION Cornet John Murray Craveing payment of arrears, read and remitted to the Commiſsion.

Remit in favors of James Maxwell and others

PETITION James Maxwell John Drummond and James Dunlop late General Receivers Craveing payment of the ballance of an account due to them, read and remitted to the Commiſsion to consider the petitioners case and determine therein.

Remit in favors of Iſobell Ker.

PETITION Iſobell Ker Lady Manderstoun Craveing payment of Arrears due to her deceast husband read and remitted to the Commiſsion.

Remit in favors of the Dutcheſs of Argyll

PETITION the Dutcheſs of Argyll Craveing payment of Arrears due to the late Duke of Argyll read and remitted to the Commiſsion.

Remit in favors of Captain Stevenson

PETITION Captain James Stevenson Craveing payment of arrears due to him read and remitted to the Commiſsion.

Remit in favors of Sir William Hope

PETITION Sir William Hope of Balcomie Craveing payment of arrears due to him read and remitted to the Commiſsion.

ORDERED that all the officers that went to Caledonia have preference out of the respective funds in which they are concerned.

PETITION James Bayne Craveing payment of a sum due to him, read, The Parliament Declared they would take this petition and the petitioners case to their consideration when they can conveniently And in the mean time Recommend to the Lords of Thesaury to pay the petitioner yearly for his Aliment One hundred pounds Sterling to be payed quarterly ay and while his case be taken into conſideration, Which Recommendation &c. is as follows.

Recommendation &c. in favors of James Bayne

HER Majesties high Commiſsioner and the Estates of Parliament Haveing heard the Petition of James Bayne Her Majesties MaſterWright Humbly Shewing unto them That King Charles the Second haveing considered the ruinous condition of his palace of Holyrudehouse and of the caſtles of Edinburgh Stirling and Baſs and that for the ſafety of the Kingdom these castles ought to be repaired and a palace built for the better reception of his Majesty and his ſucceſsors whenever they should visit their ancient Kingdom And also for the accommodating their high Commiſsioners and Chancellour and others officers of ſtate to Parliaments for doing the neceſsary affairs of the Kingdom at any time: The petitioner being imployed as Maſter Wright to the foreſaid Works, when the funds appointed for defraying the expences thereof were exhausted and there was not money in the publick Theſaury for perfecting the ſame the petitioner haveing a ſtock of timber of his own in the buſs of Leith at the time to the value of fifty thousand pounds Scots as can yet be instructed, he not only furnished the greatest part thereof to the said work but also for paying the workmen he raiſed thirty three thousand pounds out of the hands of the Earls of Tweeddale Panmure and Strathmore and other persons who were his debitors And when all this came short of finishing the work he ingaged his credit and borrowed to the value of twenty ſeven thousand five hundred pounds money foresaid from several persons for perfecting the said palace and caſtles: These four last Seſsions of Parliament the petitioner applyed himself to his Majesties high Commiſsioner and right honourable Eſtates of Parliament And in the first Seſsion he obtained an act recommending him to his Majesty for taking some course for his payment and to the Lords of Thesaury for ſubsistance; And in the ſecond Seſsion there being a Committee appointed for considering the petitioners counts and instructions thereof, They reported that they had ſeen his counts and instructions by which the publick was resting to the petitioner the ſum of Eighty one thousand ſeven hundreth and ſixty nine pounds Scots: After this report was made His Majesties Commiſsioner and Eſtates of Parliament were considering to determine a fund for the petitioners effectual payment; but the Parliament riseing sooner than was expected, there was nothing done for him but only

an Act past in his favors again recommending him to his Majesty for payment and the Lords of Thesaury for ſubsistence. In the third Seſsion of Parliament the petitioners case was again recommended to a Committee for finding out a fund for his payment but through the multiplicity of affairs and ſhortneſs of time nothing was done But again the petitioner was recommended to his Majesty for payment and to the Lords of Thesaury for ſubsistence, And if payment were not made the Committee aſsured the petitioner that a fund should be determined for his effectual payment at the next Seſsion of Parliament, But in the laſt Seſsion of Parliament tho the petitioner applyed by way of petition yet nothing was done for him The petitioner humbly represents that he is utterly ruined except His Grace and honourable Eſtates prevent it for his Creditors have been these twenty years in poſseſsion of all that he has and that for these very debts which he Contracted for the publick; beſides he is oblidged to pay these twenty four years bypast annualrent of twenty ſeven thousand five hundred pounds principal which he borrowed for carrying on the ſaid work and the annualrent in the ſaid time extends to thirty nine thousand and fifty pounds from Whitsunday I^m^ vj^c^ and seventy eight to Whitsunday I^m^ vij^c^ and two being twenty four years principal and interest extends to Sixty ſix thousand five hundred and fifty pounds that the petitioner is indebted and which he contracted for the publick, besides the expences of adjudication & other legal diligences which he must also pay. And when the petitioner is payed the sum of Eighty one thouſand ſeven hundred and sixty nine pounds reſting by the publick to him and that he has payed the neat ſums borrowed and annualrents thereof there will be nothing remaining to him for all his great ſtock abovewritten but only fifeteen thousand two hundred and nineteen pounds, and which compleats his misery Haveing given out his own ſtock of fifty thousand pounds and raised the sum of thirty three thousand pounds for furnishing the said works and paying the workmen he is thereby incapacitated from ſelling timber as he was wont and also from following his imployment as Wright and has been under this inability of doing any thing for himself these eighteen years bygone, The honourable Eſtates have thought it worth their consideration and becomeing the honour of the Kingdom, to determine and appoint funds for paying what was resting to the Souldiers And the petitioner humbly conceives that the building of his Majesties palace and repairing the caſtles and forts are no leſs neceſsary for the honour and ſafety of the Kingdom And seeing the petitioner out of a generous disposition love to his Countrey and confidence to the publick did expend his own fortune and contract debts for accomplishing and perfecting the said works, Its hoped His Grace and honourable Eſtates will prevent the petitioners ruin: The publick may yet ſtand in need of the aſsistance of privat persons, but if they suffer the petitioner to perish his ruin will discourage others and none hereafter will adventure to give money to the publick Except when they see effectual funds for their Reimbursements which may too often be of pernicious consequence to the Nation Therefore Craveing His Grace and the right honourable Eſtates of Parliament to take the petitioners case to their serious consideration, And in regard of the publick, the credit of the Nation and juſtice to the petitioner to give an act finding the said Eighty one thousand seven hundred and sixty nine pounds Scots due to the petitioner And appoint a fund out of which he may be payed the same with annualrents thereof since the Earl of Tullibardine's Seſsion of Parliament at which time it was found due And yearly and proportionally dureing the not payment that the honour of the Kingdom may be preserved the petitioners ruin prevented and all persons may be incouraged to carry on publick works, and advance money to the compleating of them when they ſhall hear and ſee what juſtice the right honourable Court of Parliament has done to the petitioner, as the ſaid petition bears. And her Majesties said Commiſsioner and the Eſtates of Parliament foresaid Haveing this day considered the said petition They Declared and hereby Declare they will take the said petition and the petitioners case to their consideration when they can conveniently And in the mean time They Recommended and hereby Recommend to the Lords of her Majesties Thesaury to pay to the petitioner yearly for his aliment by quarterly payments the ſum of twelve hundred pounds Scots money ay and while his case be taken to consideration.

PETITION Sir James Steuart her Majesties Advocat Craveing a proceſs of proveing the tenor may be remitted to the Lords of Seſsion to be by them Cognosced and finally determined with a parliamentary power, read, and remitted to the Lords of Seſsion to determine in the ſaid proceſs ſummarly without abideing the course of the Roll, Which remit is as follows.

Remit to the Seſsion Sir James Steuart ag^t^ Johnstoun of Stratoun and others

ANENT The Summonds and action for proveing the tenor raiſed and intented before the high Court of Parliament at the inſtance of Sir James Steuart of Gutters her Majesties Advocat against Robert Johnstoun ſon and heir to the deceased James Johnſtoun Writer to the ſignet and Anna Hamilton his Mother and Relict of the ſaid James, William Ker ſon and heir to the deceased William Ker factor to the Eſtate of Kincavill and Kathrine Hamilton his mother Makeing mention That where in the year I^m^ vj^c^ and eighty one the

purſuer being chosen Arbiter betwixt the deceased James Johnstoun Writer to the ſignet and the reſt of the Creditors of Kincavill the deceased William Ker factor for the Eſtate sent to Edinburgh two thousand merks to be delivered by the said Sir James Steuart to the ſaid James Johnstoun upon his recept and diſcharge which the said Sir James Steuart really delivered and got James Johnstouns diſcharge and marked it upon the back to be delivered to the ſaid William Ker, But the pursuers troubles superveening and he being chased away the said year his papers were also searched and the diſcharge ſome way miſcarried Whereupon at his return in the year I^{m} vj^{c} and eighty eight the ſaid deceaſed William Ker his ſon and relict pursued the said Sir James Steuart for the ſaid diſcharge or to repay them the two thousand merks And tho he proved by his ſervant Thomas Spence that he had delivered it And that even the parties themselves are under the conviction that he did deliver it Yet James Johnstoun being then dead and his ſon then a minor the pursuer could not get the diſcharge made up but was neceſsitat to ſuccumb to a decreet unleſs he could recover or make up the diſcharge betwixt and a certain day, And seeing that he lost the said Diſcharge by his being neceſsitat to retire in the year I^{m} vj^{c} and eighty one againſt which and all damnages ſustained thereby he is by the Act of Parliament I^{m} vj^{c} and ninety years to be reponed And that he has now found out the documents underwritten viz. First besides the said Thomas Spens his oath and deposition who was the pursuers servant for the time, that depones distinctly of the delivery of the money to the said deceased James Johnstoun and of his granting of the diſcharge and of the pursuers haveing the diſcharge amongst his papers and how it miscarried and that the said deceased James Johnstoun did while he lived acknowledge the receiveing of the money The purſuer produces the deceased William Ker's letter sent to him with the money upon the fifth of May I^{m} vj^{c} and eighty one With a note made then upon the back of it written with the pursuer's hand but with ſuch old and decayed ink as any man may be convinced it was then written and runs in thir terms This two thousand merks was delivered to James Johnstoun who gave therefore his diſcharge to Mr Ker. Secondly The pursuer likewayes produces an Inventory of writs left in the preſs at the pursuers houſe at Briſto which was made by James Steuart his nephew immediatly after the pursuer fled and is a known hand write and of old ink and verifies it self by occular inspection, Which bears Fifth buneh Charter and Seaſine Lord Lindsay to Ninian Mackmoran, Discharge James Johnstoun to William Ker of two thousand merks &c. Which diſcharge is the very diſcharge lost and was then left by the pursuer as said is, Thirdly It is not imaginable that the deceased James Johnstoun who lived for years after the I^{m} vj^{c} and eighty one the date of the diſcharge would have been silent and not complained for want of the said two thousand merks nor in effect hath the want of the ſaid two thousand merks been complained of now these twenty four years Only the ſaid William Ker's son and relict fearing they may be troubled for want of the diſcharge have been instant with the pursuer to have it made up in manner by him represented And fourthly The pursuer may own so much of probity and credit as to offer his oath that as he received the said two thousand merks in two sealed bags to be delivered to the said James Johnstoun he accordingly delivered the same and got James's diſcharge tho now lost but which is craved to be made up according to the tenor following And theſe are the pursuer's documents for makeing up the said diſcharge which he hoped would satisfie her Majeſty and the Eſtates of Parliament for makeing up the tenor of the said diſcharge Wherefore neceſsar it was for the pursuer to have ſummonds for that effect in manner underwritten And anent the charge given by vertue of the said summonds to the said Robert Johnstoun and Anna Hamilton at their dwelling houſes by one of the Macers of Seſsion And to the ſaid William Ker and Kathrine Hamilton and William Bell Toun Clerk of Linlithgow now her huſband for his intereſt personally apprehended by an Meſsenger at arms to have Compeared before her Majeſties high Commiſsioner and the honourable Eſtates of Parliament at a certain day now long bygone With continuation of dayes to have answered at the instance of the said pursuer in the said matter That is to say the said Defenders to have heard and seen the foresaid discharge now lost and amitted made up and proven by decreet of Parliament to be of the tenor following viz. I James Johnstoun Writer to his Majesties Signet Do hereby grant me to have received by the hand of James Stuart Advocat from William Ker factor appointed by the Lords for the Lands of Kincavill belonging to Whitehead of Park upon which I am a preferable Creditor the sum of Two thousand merks Scots money of the rents thereof And therefore Diſcharges the said William Ker as factor foresaid of the said sum of two thousand merks of the rents of the said Lands preceeding the year I^{m} vj^{c} and eighty one Oblidgeing me my heirs and Executors to Warrand the samen at all hands and against all deadly And Consents thir presents be reg^{r}at in the books of Councill and Seſsion for conſervation And if need bees to have the strength of a decreet that letters may paſs hereon as effeirs And thereto constitutes

my procurators

In witneſs whereof (written by John Clerk my ſervant) I have subscribed thir presents with my hand At Edinburgh the day of I^{m} vj^{c} and eighty one years Before these Witneſses the

said John Clerk and Ja: Johnstoun John Clerk witneſs

And the samen being so made up to hear and ſee the samen Decerned and Declared by decreet foresaid to be a sufficient and valid diſcharge and of as great force strength and effect in judgement and outwith the same and in all caſes and cauſes in time comeing as if the principal diſcharge itſelf were extant and not amitted and loſt in manner foresaid conform to the Laws and dayly practique of this realme uſed and wont in the like caſes in all points or else to have alleadged an reaſonable cause in the contrare why the samen should not be done With Certification to the said defenders if they failzied to compear Her Majesties said Commiſsioner and the Eſtates of Parliament would proceed in the said matter and decern make up and declare in manner foresaid, as in the said Summonds and Executions thereof is fully expreſsed. The said Sir James Steuart pursuer Compearing personally who for instructing the said ſummonds produced in presence of her Majesties high Commiſsioner and the said high Court of Parliament the abovementioned principal Depoſition or oath of Thomas Spens Writer in Edinburgh taken before the Lord Aberruchill on the twentyeth of December I^m vj^c^ and ninety nine in the action pursued before the Lords of Council and Seſsion at the inſtance of the ſaid William Ker and his mother againſt the said Sir James Steuart With the foresaid Miſsive Letter directed from William Ker to the said purſuer of the date abovewritten and the note in the words above expreſsed written thereon Together alſo with the foreſaid Inventory mentioned in the said summonds and founded on as is above specified for makeing up the ſaid diſcharge And the said haill defenders who were ſummoned in manner foresaid to this Action Compearing by Sir Walter Pringle Advocate their procurator at first calling of the said summonds in the usual manner at the great gate of the Parliament house after elapsing of the day to which they were Cited by vertue thereof & there being a petition to her Majesties high Commiſsioner and the ſaid Eſtates of Parliament thereafter Given in and presented by the said Sir James Steuart pursuer Humbly Shewing unto them That where he has an action for proveing the tenor of a discharge of two thousand merks granted by the deceased James Johnston Writer to the Signet to the deceased William Ker factor for the Estate of Kincavil which hath now depended before the high and honourable Court of Parliament theſe two Seſsions The pursuer ſhould not trouble his Grace and their Lordships with his reaſon of intenting this proceſs before the Parliament viz. That the loſs of this discharge happened through the pursuers being neceſsitated to fly in the year I^m vj^c^ and eighty one Whereby his papers were exposed to ſearch upon search and to great confuſion Against which trouble and the cauſe of it being reponed by the Parliament I^m vj^c^ and ninety with an aſsureance of full reparation of loſses he thought it moſt proper first to table his action before the Parliament But first and laſt haveing no purpose to decline the Lords of Seſsion and being likewayes in this Seſsion of Parliament as he was in the laſt hindred by a heavy fit of the gout to proſecute this action in Parliament Which proſecution would only be for the obtaining of the remit deſired by the said petition and for no other purpose He being fully satisfied that the Lords of Seſsion are the most proper Judges in all such matters And Therefore Craveing His Grace and their Lordships to Remit the ſaid Action to the ſaid Lords of Seſsion to be by them cognoſced and finally determined with a parliamentary power it being neceſsary for the pursuer to preſerve the dependence, as the ſaid petition bears; Her Majesties high Commiſsioner and the said Estates of Parliament haveing this day fully Considered the ſaid petition and being therewith well and ripely advised They Remitted and hereby Remit the petitioners Case to the Lords of Seſsion to be by them cognoſced and determined summarly without abideing the course of the roll.

PETITION Collonell Scipio Hill Craveing payment of Arrears due to him read, and his case remitted to the Commiſsion to be determined by them with that favor and dispatch which his pains and charge in comeing twice to Scotland on that affair And his neceſsary residence in England does justly require Which Remit is as follows.

Recommendation to the Commiſsion for publick Accounts in favors of Lieutenent Colonell Scipio Hill

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of Lieutenent Collonell Scipio Hill Humbly Shewing unto them That there is due to him Eleven months cleatings and a half viz. from the first of January I^m vj^c^ and ninety seven to the fifeteenth of December I^m vj^c^ and ninety seven as Lieutenent Collonell and Captain of Sir William Douglaſses regiment of foot being One hundreth and fifeteen pounds fifeteen shillings Sterling as appeared by a copy of a declaration produced with the said petition under the hand of Captain Charles Douglaſs ſon to the said Sir William then agent to the ſaid regiment There is also due to the said Lieutenent Collonell three hundreth and fifty one pounds nineteen shillings and three pence Sterling being his half pay as Lieutennent Collonell and Captain of Dragoons from the fifeteenth of December I^m vj^c^ and ninety ſeven to the first of July I^m vij^c^ and one as appeared by a Copy of his late Majeſties Letter and an account drawn out of the Thesaury books produced also with the said petition And whereas the petitioner has come twice from London his place of abode to Scotland on purpose to have got payment of the above sums which put

him to vaſt expences yet hitherto he hath not got any part of it, And therefore Craveing his Grace and the honourable Estates of Parliament to grant Warrand upon Sir William Meinzies for payment of the above sums being in all Four hundred ſixty ſeven pounds fourteen ſhillings and three pence Sterling as the said petition bears And her Majesties Commiſsioner and the said Estates of Parliament haveing considered the said petition and being therewith well and ripely advised They Recommended and hereby Recommend the petitioners case to the Commiſsion for publick Accounts to be determined by them with that favor and dispatch which his pains and charge in comeing twice to Scotland on the affair and his neceſsary residence in England does justly require.

[Sir William Meinzies]

PETITION Sir William Meinzies Craveing to be Exonered of his tack and tack duty upon payment of the five thousand pounds Sterling Decerned by the Parliament to be payed at Martinmaſs and Candlemaſs next read And the Marqueſs of Lothian and the officers of the army allowed to see and answer the same the first Sederunt after to morrow And in the mean time Remit to the Commiſsion the scrutiny of his account.

Remit in favors of Doctor Chamberlain & James Armour

PROPOSAL Doctor Chamberlane and James Armour anent a land Credit Remitted to the Commiſsion and to report.

PETITION Lord Bargany Craveing a Decreet of the Commiſsion of Parliament anent the pole With the Answers thereto by the Tacksmen of the pole read and remitted to the Lords of Seſsion to determine the cauſe summarly with a Parliamentary power and in the mean time sisted Execution as follows.

Remit to the Seſsion The Lord Bargany ag^{t} the Tacksmen of the Pole 1693.

ANENT the petition given in and presented to his Grace her Ma^{ts} high Commiſsioner and the right honourable the Eſtates of Parliament by William Lord Bargany Shewing That where there was an alleadged Decreet pronunced against the petitioner as Cautioner for David Crauford of Drumsouie to make payment of Two hundred and ten pounds seventeen shillings and six pence Sterling as the ſaid Davids proportion of four thousand six hundreth thirty nine pounds four ſhillings eight pence and two third parts of a penny Sterling Upon which decreet the petitioner is threatned to be apprehended by vertue of a Warrand specially granted against him He is under a neceſsity to mean himself to the high Court of Parliament for redreſs Because this pretended Decreet was pronunced by a Commiſsion granted in the ninth Seſsion of King Williams Parliament to members of the ſaid Parliament and which did expire with it And the ſaid Commiſsioners haveing a Parliamentary power there can be no application made to any other Court for redreſs He does therefore with all dutiful respect to the members of the Commiſsion Humbly contend That he cannot be lyable for the reasons following Primo By the foresaid sixteenth Act Parliament I^{m} vjc^{o} and one the said Commiſsioners were Impowered to proceed and determine with a Parliamentary power the differences betwixt the old and new Tacksmen in relation to the pole I^{m} vjc^{o} and ninety three and to decide the question in relation to the vintuples wherein the old tacksmen may be found lyable for their concealments and to apply what sums should be found resting towards the clearing of the arrears of the officers according to their Claims But the Decreet alleadged obtained against the petitioner narrates mutual proceſses before the said Commiſsion as if they had been impowered to determine anent the pole I^{m} vjc^{o} and ninety three betwixt the Tacksmen of the ſaid pole and their Cautioners on the one part and the officers of the army for whose payment the pole was imposed on the other part Whereby it is evident that there were greater powers ascribed to the Commiſsion than were contained in the Act of Parliament For by the Act and Commiſsion of Parliament they were only impowered to act as Judges betwixt the old and new Tacksmen of the pole, As for what concerned the officers the Commiſsioners were only to apply what ſhould be found resting in the same manner as if they had the power of the Thesaury as to that particular effect And therefore the Decreet proceeding upon proceſses at the inſtance of the officers and not at all as to the dependencies betwixt the old and new Tacksmen of the pole is null And in the next place the foresaid alleadged Decreet ascribes to the Commiſsioners a power to determine betwixt the Partners and Cautioners whereas there is not a word of Cautioners in the Act of Parliament And so it is that the petitioner is Decerned as Cautioner And consequently the Decreet in that respect is null And it is to be specially noticed that this Commiſsion is extraordinary and is of strict interpretation being præter communes juris regulas. But that wherein materially the petitioner is lesed and expects redreſs is that Drumsuy for whom he only interceeded as Cautioner was not bound in the tack nor for the tack duty but was bound to relieve the principal Tacksmen of a twenty two part of their hazard and the petitioner became Cautioner as in an oblidgement to privat parties. Now if the principal Tacksmen had pursued Drumsuy or the petitioner for the relief of the ſentence pronunced by the Commiſsion against them they would have defended themselves unanswerably That they are only Decerned for the balance of the money Collected in their own hands for which Drumsuy could not be lyable because

before the pole fell due or the Collection made Drumsuy was bankrupt and fled and never intrometted with a ſhilling The petitioner ſhall not trouble the Parliament further to represent That this Decreet has neither Lybell nor Becauſe which even in Decreets of Parliament uses to be observed, For its Conceived that altho the petitioner mentions certain informalities to remove the force of the said Decreet as to himself yet the special Circumſtances of the petitioners case does merit a remedy, For the other partners decerned by the Commiſsion were the adminiſtring and collecting partners and have or ought to have the very money in their hands for which the Decreet proceeds And therefore they ought to make the ſame furthcomeing and Drumsuy and the petitioner ought to be free. And therefor Craveing his Grace and the honourable Eſtates of Parliament in consideration of the specialities of the petitioners case viz. That before ever the Collection of the pole began Drumsuy became bankrupt and fled and never intrometted with a farthing and that the Decreet of the Commiſsion is expreſsly founded upon the Collection, to suspend the foresaid Decreet as to Drumsuy and the petitioner ſimpliciter as the said petition bears Whilk petition and desire thereof being read in presence of her Majesties high Commiſsioner and the ſaid Estates of Parliament and haveing heard and considered the same They by their deliverance thereon the nineteenth of August instant Ordained Sir John Cochran to see and answer the same against the then next diet of Parliament but declared the same did not sist execution Accordingly the said Sir John Cochran and the other Tacksmen of the pole I^{m} vj^{c} and ninety three and their partners and officers of the army haveing seen the foresaid petition, Returned it with the Answers following to the samen petition given in by the said William Lord Bargany Whereby he Craved that the Decreet of the Commiſsion granted in the ninth Seſsion of King Williams Parliament haveing power to decide and determine all contraversies of the said pole both in relation to the partners themselves and as to the preferences betwixt the Countrey and the army may be ſuspended ſimpliciter againſt him he being Decerned as Cautioner for Drumsuy for two hundred and ten pounds Sterling money As the hazard and damnage which did arise from the said tack of the pole, His Lordship insists upon several pretended nullities in the ſaid Decreet and more especially he alleadges That the decerniture against him and Drumsuy is for the ballance of the money collected in their own hands for which Drumsuy could not be lyable haveing become bankrupt before the pole either fell due or the collection made Which with all humble submiſsion to the members of this honourable Court of Parliament They conceived to be most irrelevant and never precedented that a petition of this nature ſhould take from them and the officers of the army their just right already eſtabliſhed by vertue of a Decreet of the foresaid Commiſsion, It not being unknown to his Grace and the honourable members that there is a preſcribed Rule in Law for redreſs if any party be lesed viz. An appeal for remeed of Law to the Parliament So that if parties were allowed ſummarly by petitions to quarrell sentences of Parliament there ſhould be a confusion in all Parliamentary proceſses But ſecundo his alleadgeance is most falacious in ſo far as that Drumsuy was many years habit and repute most ſufficient after the pole I^{m} vj^{c} and ninety three became indue being concerned in the publick Ceſs and Excise of the Shire of Air in the year I^{m} vj^{c} and ninety five for whom the Lord Bargany was Cautioner And Drumsuy is no further Decerned than any other of the Copartners who did not Collect more than he So that this being already res judicata as well among the partners as betwixt his Lordship and the officers by a Commiſsion haveing a Parliamentary power It was therefore humbly expected the said Tacksmen their partners and the officers of the Army being so well founded in Law and reaſon that his Grace and the honourable Members of Parliament would never allow such a precedent as the said Answers also bear Which petition and desire thereof with the answers made thereto being this day again read in presence of her Majesties high Commiſsioner and the said Estates of Parliament And they haveing heard and considered the same and being therewith well and ripely adviſed They Remitted and hereby Remit to the Lords of Council and Seſsion to determine the said Cause ſummarly with a Parliamentary power And in the mean time Siſted and hereby Sists Execution.

[Account of the Pole Money 1695]

THE Account of the Pole Money the year 1695 read Whereof and of the Observations thereon made by the said Commiſsion of Parliament the tenors follow.

ACCOUNT of the Pole 1695.

This pole was granted by the Parliament 1695 for provideing ships of war and maintaining ſeamen for defence of the Coasts with a complete number of land forces; After this pole had been in Collection for a year the Lords of the Thesaury set the same in tack to John Campbell of Knockrioch principal Tacksman and to Hugh Cuninghame and others his partners for the sum of Two hundred and seventy six thousand pounds Scots.

CHARGE of the Pole 1695.

Per tack duty of the Pole Two hundred and ſeventy six thouſand pounds - - - -	£276000 — —
Ballance due to the Tacksmen and partners Sixteen thouſand three hundred and eighty pounds -	16380 — —
	£292380 — —

DISCHARGE of the Pole 1695.

1° By Cash given in to the Admiralty Two hundred and thirty ſeven thouſand one hundreth and twenty pounds - - - - -	£237120 — —
2° By ſeven per Cent. allowed Sir James Oswald for Collecting one hundred and seventy five thouſand and two hundred pounds - -	12264 — —
3° By the Imbazlements of Collectors Sixteen thouſand five hundred and ninety six pounds - -	16596 — —
4° By the Quadruples of the Pole of the Army Seventeen thouſand ſeven hundred and sixty pounds -	17760 — —
5° By the Pole of the Episcopal Clergy Six thouſand pounds -	6000 — —
6° By Allowance to Collectors Two thouſand four hundred pounds -	2400 — —
7° By Loſs of money cryed down Two hundred & fourty pounds -	240 — —
	£292380 — —

OBSERVATIONS on the Pole 1695.

1° That the third Article viz. The Imbazlements of Collectors is not instructed and supposeing it were yet the Commiſsion are of opinion the Tacksman and his partners were bound to the publick for the whole tack duty tho the whole Collections had been imbazeled.

2° That the Quadruples of the Army should not be allowed ſince their pay was in the hands of the Commiſsaries and since the Thesaury must be considered as the Common debitor.

3° That there should be no Allowance for the Pole of the Episcopal Clergie unleſs their number were inſtructed considering that none but the Episcopal Miniſters in Edinburgh were excepted all other Miniſters being lyable in their pole as Gentlemen.

4° The two thouſand four hundred pounds mentioned in the Sixth Article of the diſcharge was not instructed except allennarly the sum of three hundred pounds.

5° That this Pole haveing been for a long time under Collection has occasioned a considerable loſs in the ſame.

6° That whereas the Tacksmen pretend to a balance of Sixteen thouſand three hundred and eighty pounds as is mentioned in the Charge they will be indebted to the publick in twenty six thouſand three hundred and seventy six pounds untill the foresaid Observations be cleared Which would appear more clearly by the Minuts of the Commiſsion the eleventh of February 1704 and by the Minuts of their Committee the seventeenth of December 1703 and these of the eleventh of January 1704.

UPON reading whereof, The first observation sustained, The Tacksmen instructing the verity of the imbazlement before the Commiſsion, As to the second observation After hearing the Tacksmen's Lawyers and debate thereon It was put to the vote Allow the Quadruples of the Army as an article of the diſcharge Yea or Not and Carried in the affirmative, And Remitted to the Commiſsion to state the Extent thereof, The third Observation Remitted to be instructed before the Commiſsion otherwayes not to be allowed, The fourth Observation read And the Allowance mentioned therein was refused.

ACCOUNT of the Pole Money 1698 read, whereof, and of the Observations thereon made by the Commiſsion of Parliament the tenor follows. [Account of the Pole Money 1698]

ACCOUNT of the Pole Money 1698

Two Poles were granted by the Parliament 1698 for clearing the arrears due to the land and ſea officers as likewayes to the Seamen belonging to the ſhips of war with preference to those to whom any cloathing money was due before 1691.

The ſaid two Poles were set in tack by the Lords of Thesaury and Exchequer to William Cochran of Ferguslie and his Cautioners for a tack duty of two hundred and fourty one thouſand and two hundred pounds.

CHARGE of the Pole 1698

Per the tack duty Two hundred and fourty one thouſand and two hundred pounds - -	£241200 — —

DISCHARGE,

1° Per payments made upon precepts from the Thesaury One hundred and ninety three thousand five hundred and twenty two pounds, sixteen ſhilling - -	£193522 16 —	
2° Per payments made to the ſeamen in part of their Arrears Nine thousand and six hundred pounds	9600 — —	
3° Balance due by Fergusſlie Thirty eight thousand and seventy seven pounds four ſhilling - -	38077 4 —	
	£241200 — —	

OBSERVATIONS on the Account of the Pole 1698

1° That the first Article was fully instructed and applyed to the ends and uſes for which the said Poles were granted; But no preference given upon Account of the Cloathing money.

2° That tho Ferguslie does discharge himself of the sum of nine thousand and six hundred pounds payed to ſeamen yet by examineing his Accounts the Commiſsion finds not above seven thousand two hundred pounds had been payed to them Which he being questioned upon, Acknowledged that because he had oblidged himself to pay up the remainder, he had inserted that article in his discharge.

3° That several Complaints were made upon Ferguslie by the Seamen as haveing oblidged many of them to grant recepts for the whole of their arrears whereas they received but the half.

4° That the Balance of Fergusſlies account viz. thirty eight thousand and ſeventy ſeven pounds, four shillings is still reſting by him But in order to his Exoneration there was a Memorial given in by him now in the hánds of the Clerk of the Commiſsion wherein he repreſents his Grievances and the reasons of his deficiency.

Order that the Commiſsion take tryal of undue transactions made by persons concerned in the publick fund wt the Country or Army.

UPON reading of which account and observations Ordered that the Commiſsion take tryal of undue transactions made by the Tacksmen Collectors or any persons concerned in the publick funds with the Country or officers of the Army and report next Seſsion of Parliament.

THE ſecond Observation not allowed unleſs he instruct payment before the Commiſsion, The third Observation Remitted to the Commiſsion to inquire thereanent.

[Collonell George Mackgill]

PETITION Collonell George Mackgill Repreſenting that William Cochran of Fergusſlie Tacksman of the Pole 1698 had Extorted from him, a defalcation of Eight hundred and twelve pounds Sterling as the twenty fifth and eight parts of a ſum contained in a Precept drawn by the Lords of Thesaury for payment of cloathing money and arrears, read, with other Complaints of defalcations Extorted from the Seamen and others of money due to them by the publick and ſeveral abuſes committed by him and his Subcollectors in Collecting and giveing out the ſaid Pole.

Order anent the Impriſonment of William Cochran

ORDERED That the ſaid William Cochran be Carried to prison untill he find baill under the penalty of Twelve thouſand pounds Scots to Compear to answer the Complaints Given or to be Given in against him, And the further Consideration of this affair Continued till the next diet of Parliament.

THE Lord Chancellour by order of the Lord High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIV, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Order of procedure]

MOVED That the Act for an additional Repreſentation of Commiſsioners for Barons might be read a ſecond time, Likewayes moved that the Parliament proceed upon the report of the accounts of the publick funds And after reasoning agreed That the accounts come first in And next to them the plot Next thereafter the Act for an additional representation of the Barons, And then the Act for secureing free voteing in Parliament previous to all buſineſs whatsoever and nothing to interveen.

MOVED That in regard both the Contraverted Commiſsioners for the Shire of Roſs have found that they had equal votes, Ordered that a Warrand be granted to the free holders of the said shire to meet at Michaelmaſs next to make a new Election of a Commiſsioner to the Parliament, as follows.

Warrand to the ſhire of Roſs for Electing a new Commiſsioner

HER Majesties high Commiſsioner and the Estates of Parliament Considering That both the contraverted Commiſsioners for the ſhire of Roſs Find that they have equal votes Do Therefore Grant Order and Warrand to the ſherif of the said shire or his deputes to call and Conveen together the Barons and free holders of the foresaid ſhire at the ordinary place of their meeting upon Michaelmaſs

day next to come to the effect they may choise and elect ane Commiſsioner to represent them in this Parliament as their Commiſsioner which they are hereby ordered and impowered to do And ordain intimation hereof to be made in the uſual manner.

THE Parliament haveing taken to their farder consideration the affair of Cochran of Ferguslie, Ordered That he be brought out of prison to the barr And after his being further Examined it was Remitted to the Commiſsion to take further tryal of the Complaints made or to be made againſt him and to report And thereafter It was put to the vote Remit the determination of these complaints in so far as they concern the interest of privat parties to the Commiſsion or to the Lords of Seſsion, and Carried Remit to the Seſsion to be by them ſummarly discuſsed.

Remit to the Seſsion in favors of Colonel George Mackgill

ANENT the Petition Given in and presented to his Grace Her Majeſties high Commiſsioner and the right honourable the Eſtates of Parliament by Collonel George Mackgill brother to the Viſcount of Oxfurd Collonel to her Majesties troop of horse granadeer guards Shewing That there being three thousand and eighty eight pounds nine ſhillings and four pence Sterling reſting to the petitioner for seven hundred and fourty sute of intire mounting bought by him partly by expending most of his privat patrimony and partly by ingageing his privat credit to Merchants for the Regiment of foot lately Commanded by him Which after diſbanding of the regiment, was delivered by him (by the honourable Thesauries commands) to the Store Maſters, And thereafter given by their Lordships to the standing troops as will appear by their Lordships Letter to his late Maty King William on record in the Thesaury books and by the Abstract thereof And there being one thousand one hundred and fourty six pounds fourteen shilling two pence Sterling still due to the officers of the petitioners said Regiment of foot To which he has right for their livery-cloaths furniſhed and payed by the petitioner Conform to the account thereof which agrees with the Thesaury books and upon which he partly expended the remainder of his privat patrimony and partly engaged his privat Credit to the Merchants where his patrimony could not satisfie And the petitioner being under many legal diſtreſses on his ingagements to the Merchants for the said intire mounting and livery-cloaths He humbly addreſsed the honourable Eſtates of Parliament laſt Seſsion in compaſsion to his ſuffering Circumſtances to order his reimburſement of the said ſums with intereſt of what he payed and ſtood engaged for after his deburſements and conform to his engagements. And the honourable Estates by their deliverance and act of the fifeteenth of September laſt Recommended the petitioner to her Majeſty and the said Lords of Thesaury to have his Circumſtances considered with respect to the premiſses that he might have ſuch reimburſement and remuneration as her Majeſty and their Lordſhips should think fit The petitioner Addreſsed the honourable Thesaury ſeverall times upon the said Act and Recommendation of Parliament but could neither be reimbursed nor remunerat Morrover there being a precept drawn by the honourable Thesaury on the Tacksmen of the laſt Pole for payment to him of three thousand and eighty eight pounds nine ſhillings and four pence Sterling for arrears of pay retention &c. formerly due The petitioner had the misfortune amongst many others to be forced before he could get payment to allow to the said Tacksmen the exorbitant defalcations Primo of twenty five per Cent. of the haill three thousand and eighty eight pounds nine ſhillings and four pence Inde ſeven hundred and ſeventy two pounds Sterling And Secundo of eight per Cent. more for five hundred pounds thereof Inde fourty pounds Sterling In haill Eight hundred and twelve pounds Which the petitioner Repreſented to the honourable Commiſsion of Parliament appointed to state the publick debts and can inſtantly inſtruct, Also the petitioner has ventured for her Majeſties service to paund his credit for intire mounting and accoutrements to the troop of granadeer-guards which he now commands And there being about fourteen moneths arrears due to the officers and cloathing resting to the troop: By the want thereof and Exhauſting his privat patrimony on the deburſements above for his foot regiments he is utterly unable to satisfie that debt And there is a moneth and a halfs subsistence and clearing due to the petitioner as Colonell of the ſaid troop from the fifeteenth of May 1702 the date of his Commiſsion to command the same being an old ſtanding corps to the first of July thereafter Extending to fourty two pounds of which after many applications he has not recovered payment albeit his inferior officers are fully payed for that time And since the petitioner is informed that the said Commiſsion of Parliament have found that there is a great balance of the public funds given by Parliaments ſtill reſting by the Tacksmen and Managers thereof and that the said troop the petitioner commands is on the preſent eſtabliſhment And that not only his privat patrimony is intirely exhauſted but his Credit ingaged formerly and of late on the publick account which he ſhall never be able to satisfie And that the petitioner lyes under diſtreſses for the same of which he will never be capable to extricat himself unleſs his Grace and the honourable Eſtates of Parliament be pleased to order his reimbursement and remuneration conform to the foresaid Act and Remit of the laſt Seſsion of Parliament And Therefore Craveing His Grace their

Lordſhips and honours to take what is above repreſented to ſerious consideration and both in compaſsion and juſtice to the petitioners present circumſtances to order his payment of the above sums due to him for intire mounting and officers livery cloaths of his ſaid regiment of foot either out of the first and readieſt of the said great balance found resting of the former funds or any other effectual and ready fund His Grace their Lordſhips and honours ſhould appoint And to ordain the petitioner to be reimbursed of the foresaid exorbitant defalcations forced from him by the Tacksmen of the laſt Pole and to be payed of the cloathing and accoutrements furnished by him to the said troop of Granadeer-guards and six weeks of ſubſiſtence and clearance due to the petitioner as Colonell thereof conform to his Commiſsion out of the funds of the present Establishment or as his Grace their Lordships and honours ſhould appoint that the petitioner may not (after his spending the most of his years both at home and abroad and Expending his whole privat patrimony in the ſervice of the publick) be Exposed to be caſt into prison for debt he owes on the publick account and that he may have liberty and bread as the ſaid petition bears. Which petition and deſire thereof being this day read in preſence of His Grace Her Majeſties high Commiſsioner and the ſaid Eſtates of Parliament And they haveing heard and considered that part of the said petition relating to Ferguslie and being therewith well and ripely advised Remitted and hereby Remit to the Lords of Council and Seſsion to determine the ſame ſummarly without abideing the courſe of the roll.

IT was likewayes Remitted to the Commiſsion to inquire into all abuſes Committed by any of the receivers or their ſervants and to report.

[Fining absent Members] ORDERED That the Members that are present at calling the rolls and absent from a vote without leave be fined as if they were absent the whole Sederunt.

[Cochran Ferguslie] THE fourth observation on the discharge of the account of the Pole 1698 With the Memorial given in by Ferguslie read And after reasoning thereon it was put to the vote Allow the quadruples of the army as an article of the diſcharge Yea or Not and Carried in the negative.

ORDERED That the Article in his Memorial That the books were not returned in due time from the ſeveral ſhires therein mentioned be Remitted to the Commiſsion to inquire anent what damnages he ſustained thereby on the ſaid account and what abatement he ſhould have therefore and what part of the balance he ſhould retain in his hands and to fiſt Execution for the said part and to report next diet of Parliament.

ORDERED That he be sent back to prison and there Continue ay and while he find baill in the terms of the former ordinance And its hereby Declared That the said baill is only to Continue to the next Seſsion of Parliament incluſive.

[Captains Drummond] MOVED That any preferences granted to the two Captain Drummonds upon the appropriated funds might not prejudge the officers private rights to the ſaid fonds and the further Consideration thereof delayed.

AGREED That the Dutcheſs of Buccleughs Petition come in the first Sederunt of Parliament for privat buſineſs before all other privat buſineſs.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXV, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Act in favors of the Commiſsioners of Juſticiary, The Act for exporting of Wool, And the Act continueing the Commiſsion, were Touched with the ſceptre by her Majesties high Commiſsioner in the uſual manner, Of which Acts the tenors follow.

ACT in favors of the Five Lords Commissioners of the Justiciary.

OUR SOVEREIGN LADY and the Estates of Parliament takeing to their consideration that the five Lords of Juſticiary are not provided by any special Act to a Sallary for their service nor to any certain fund for their payment But hitherto have had only twelve hundred pounds Scots each per annum payed to them by precepts from the Lords of Thesaury upon the Receivers And their places being one of the most important of the Nation concerning both the lives and fortunes of Her Majeſties Leidges Therefore the Queens Majeſtie with the advice and consent of the Eſtates of Parliament doth Fix and hereby Fixes the said Sallary to be Twelve hundred pounds Scots yearly to each of the said five Lords makeing in haill the sum of Six thousand pounds Scots And to the effect they may be the better secured therein and out of a certain fund that they may not be exposed to the inconveniency of undue payment Does hereby Des-

tinat and Appoint that the same shall in all time comeing be payed to them and their ſucceſsors in that office out of her Majeſties cuſtomes at two terms in the year Whitsunday and Martinmaſs by equal portions beginning the first terms payment at Martinmaſs next as for the first half year and so furth termly thereafter And for that end has Diſsolved and hereby Diſsolves so much of the said Cuſtomes from the Crown as does extend to Six thousand pounds Scots yearly for the end foresaid allennarly And Ordains the present Receivers Collectors and all others in time comeing to pay to them and each of them and their ſucceſsors in office their said Sallary of Twelve hundred pounds Scots yearly eſtabliſhed upon them by the force of this Act and that preferable to all other payments and next to the Twenty thousand pounds Scots formerly allocat upon the cuſtomes to the Lords of Seſsion And to the effect the same may be more effectually secured does hereby Extend this preſent Act in their favors with the ſame powers priviledges and order of diligence by horning &c. against all Receivers Collectors Tacksmen Intromettors and others mentioned and contained in the ſeventh Act ſecond Seſsion of King Charles the Seconds first Parliament as fully and amply as thereby given in favors of the ſaid Lords of Seſsion as if every particular clause were here de verbo in verbum expreſt and which ſhall be holden as here repeated, Dispenseing with the not doing of the same.

ACT Allowing the Exportation of Wool &c.

6 OUR SOVEREIGN LADY with advice and consent of the Eſtates of Parliament Ratifies and perpetually Confirms the several Acts of Parliament Prohibiting the Importing of Woollen cloath or ſtuff or any manufacture wherein there is wool And Allows the Exporting of Sheeps wool and Woollen yearn whither of the grouth of this or of any other Kingdom and that to the next Seſsion of Parliament incluſive And farder Continues the Exportation of Sheep-skins with wool upon them And allowes the Exportation thereof at all the ports of the Kingdom, the said wool and ſkins paying duty as formerly And it is hereby Enacted and Declared That all woollen manufacture of this Nation exported shall be free of any Impost whatsoever dureing the continuance of this Act.

ACT Continueing the Commiſsion for the Publick Accounts.

7 OUR SOVEREIGN LADY Considering the great pains and diligence taken by the Commiſsion anent the publick Accounts appointed by the sixth Act of the last Seſsion of Parliament and satisfaction thereby given and by the report thereof made to this Seſsion of Parliament and that yet there remains much of what was committed to be compleated Therefore Her Majeſty with advice and consent of the Eſtates of Parliament Renews the said Commiſsion to the persons therein named in the haill heads articles clauſes proviſions and all other points therein contained And moreover to Cognoſce upon whatever is or ſhall be Remitted to them by this Seſsion of Parliament and particularly to Call the Collectors of the bullion and others lyable to account before them And this Commiſsion to indure to the next Seſsion of Parliament incluſive And ordains their first meeting to be the first lawful day after adjourning of this Seſsion of Parliament And for the better carrying on and finiſhing the said work and for the encouragement of William Seton of Pitmedden younger, Mr John Clerk of Pennycook younger Mr Dougald Steuart and Mr Robert Frazer Advocats four of the ſaid Commiſsion They Allow to each of them Two hundred pounds Sterling out of the first and readiest of the rests & balances contained in their report And One hundreth pounds Sterling out of the same subject to be divided by them betwixt Walter Riddell their Clerk and the other ſervants And farder Allows to David Callender ſervant to the Clerks of Thesaury fifty pounds Sterling out of the said fund for his pains and services done by him in the said accounts.

Remit in favors of Mr Walter Smith

PETITION Mr Walter Smith Miniſter of the Caſtle of Edinburgh Craveing payment of ſeventy five pounds Sterling reſting to him free of poundage and invalid money read and Remitted to the Commiſsion for bygones reſting to him and to the Lords of Thesaury as to what shall fall due to him in time comeing.

Remit & Recommendation in favors of Sir William Douglaſs

THE Parliament haveing Considered Sir William Douglaſs his repreſentation They Remit him to the Commiſsion as others in the like caſe and Recommend him to the Queens Majestie to provide for him in consideration he had his Eſtate in France forfeited for his religion and for the Nations cause.

THE proceſs Captain Thomas Hay againſt his Creditors called and none Compearing a protection was granted to him till the next Seſsion of Parliament inclusive, as follows.

Protection in favors of Captain Thomas Hay

ANENT the petition given in and presented to his Grace the Marqueſs of Tweeddale her Majeſties high Commiſsioner and the right honourable the Eſtates of Parliament by Captain Thomas Hay Merchant in Edinburgh Shewing That in June I^m^ vij^c^ and two, the ſhip called The Good Hope

of Leith whereof the petitioner was an owner, was ſeized by Captain Thomas Butler Commander of her Majeſties ſhip The Wool Chaſter and brought her in to Berwick upon pretence that she had fifeteen thousand ſtand of arms on board and amunition conform for the use of the disaffected party in Parliament (as it was then termed) And the said Captain Butler haveing transmitted an account of what he had done to the Duke of Queensberry her Majeſties high Commiſsioner at the time Sir Gilbert Elliot Clerk of the Privy Council was sent to Berwick to inquire in that matter who both ſearched the ſhip and took the Masters oath whither he had any arms or amunition aboard the ſaid ſhip Who haveing deponed to the contrary Sir Gilbert made report that Butlers information was false and groundleſs. The said Captain Butler not being ſatisfied with haveing unjustly ſeized the ſaid ſhip and diverted her voyage, found out a new pretence to detain her prisoner alleadgeing that ſhe was bound for Saly in Barbary an enemies Country and that ſhe carried Counterband goods aboard of her, Some Jews in Amsterdam who were fraughters of the ſaid ſhip applyed to the Admiralty, The ſhip was declared to be no prize and the goods were taken from aboard of her without paying one farthing of fraught tho the maſter proteſted he was willing to ply the voyage from which he was moſt unjuſtly diverted contrare to all law and reaſon; but ſo little regaird was had to this proteſt that the Collector of Berwick ordered the hatches to be forced open and dragged the Maſter athoar, The petitioner and the other owners being advertised of this barbarous procedure, It was found neceſsar that one ſhould go to London to crave redreſs And the petitioner being ſent thither after six moneths attendance at the Admiralty Court he at last procured ſentence Repriveing the ſaid ſhip as they term it which coſt him above Eighty pounds Sterling beſides loſs of time and neglect of buſineſs at home. The other owners finding that they were to expect no advantadge from the ſaid ſhip did expoſe her to roup; but there being so many incumbrances upon her and the petitioner being so deeply engaged was forced to take her wholly to himself and accordingly by the roup ſhe was declared to be the petitioners, who haveing carried Carpenters Maſters and others to take inspection of the ſaid ſhip They found that the whole tackling and other utencills were ſtolen away and that which was left was rendered uſeleſs So that the petitioner was oblidged to fit and outrig the ſaid ſhip of new, And was alſo decerned by the Lord Mair of Berwick to pay thirty two pounds Sterling to a ſeaman for takeing care of the ſaid ſhip tho it can be proven that he was most part of that time priſoner there As likewayes they were oblidged to pay for their own proviſions which they had violently plundered from them The petitioner haveing anſwered all their demands Cleared off all debts And the ſhip being juſt ready to sail there was a new order produced for seasing and arrieſting the ſaid ſhip of new And the petitioner haveing no hopes of being redreſsed of his loſses from England he does with all humility apply himself to his Grace and their Lordſhips Beſeeching them to consider the affront put upon our Nation by Butlers unjuſt capture which gave occaſion to all the misfortunes that attended it For Primo The petitioner was thereby deprived of a beneficial fraught which was to have been two thousand eight hundred guilders Secundo His other Charges have been above Two hundred and fifty pounds Sterling which has fallen ſo very heavy upon the petitioner that it has run his whole affairs in diſorder put him from treading and forced him to betake himself to the Sanctuary for his person The petitioner also does further Repreſent that there is an hundred and ſeventy pounds Sterling of arrears owing him by the publick And therefore Craveing his Grace and their Lordships to take the petitioners hard circumſtances to ſerious consideration And to fall on ſuch methods for repairing his loſses (in which the honour of the Nation is concerned) as their juſtice and wiſdom ſhall think fit And in the mean time to grant a protection for his person There haveing ſcarce any case occurred which pleads more compaſsion and to which all his Creditors except two have already conſented, as the said petition bears Which petition being read in preſence of her Majeſties high Commiſsioner and the said Estates of Parliament upon the twenty third inſtant And they haveing considered the same They granted Warrand to Maſsers or Meſsengers to Cite the petitioners Creditors before the Parliament on twenty four hours warning to the effect the petitioner might obtain protection By vertue whereof James Gordon Meſsenger on the twenty fourth inſtant lawfully ſummoned warned and charged Mr Hugh Somervell Writer to the Signet John Bell merchant in Edinburgh Robert Wilſon merchant there Robert Blackwood merchant and Dean of Gild of Edinburgh Walter Chiesly Merchant there Robert Steuart Dyster there, Mr Francis Grant Advocat Uthred Mackdowgall Merchant in Edinburgh Rodger Hog Merchant there Charles Mitchell Writer there Robert Hunter elder Merchant there for himself and in name & behalf of the Company and Maſters of Pauls Work at the foot of Leith Wynd Mr Duncan Willieſon Merchant there Robert Marſhal Merchant there Gavin Thomſon Writer there and Thomas Smith Breuar there all of them Creditors to the said Captain Thomas Hay to have Compeared before the said high Commiſsioner and the said Estates of Parliament on this twenty fifth inſtant to the effect abovementioned And made Certification in manner expreſsed in the foresaid Warrand and Execution And that by delivering to the said Robert Steuart Robert Marſhall and Gavin Thomson just

and authentick Copies personally apprehended and affixing and leaving the like just and authentick copies for the said John Bell Robert Wilson Mr Hugh Somervell Robert Blackwood Walter Chiesley Mr Francis Grant Uthred Mackdougal Rodger Hog Charles Mitchell Robert Huntar Mr Duncan Williſon and Thomas Smith at and upon the moſt patent doors of their respective dwelling houſes and chambers in Edinburgh after he had knocked six ſeveral knocks upon each of them as use is and intimat the ſame to their ſervants because he could not apprehend themselves personally as the said Warrand and Execution thereof also bear Which proceſs and action being this day called in presence of her Mats high Commiſsioner and the ſaid Estates of Parliament And the said haill Defenders being called by an Clerk and Maſsers both in the Parliament House and at the open gate of the same as use is in the like caſes to have Compeared therein And they haveing failzied to Compear as was clearly underſtood to his Grace her Majeſties high Commiſsioner and the ſaid Eſtates of Parliament And they haveing again Considered the foresaid Petition Warrand above ſpecified and Execution thereof and being therewith and with the absence of the said Defenders well and ripely advised her Majesties high Commiſsioner and the ſaid Eſtates of Parliament Granted and hereby Grant ane Protection to the ſaid Captain Thomas Hay petitioner for ſecurity of his person againſt all diligence for civil debts due by him to his ſaid Creditors untill the next Seſsion of Parliament incluſive Declaring likeas it is hereby Declared That this protection shall not defend against any diligences for warranding Aſsignations and Diſpoſitions Granted by the petitioner to any of his Creditors.

THE proceſs Patrick Steel against his Creditors Called and none Compearing a Protection was granted to him till the next Seſsion of Parliament inclusive in manner following.

Protection in favors of Patrick Steel Vintner in Edinburgh

HER Majesties High Commiſsioner and the Eſtates of Parliament haveing Heard the Petition of Patrick Steel Vintner in Edinburgh Shewing unto them That the petitioner haveing laſt Seſsion of Parliament Represented to his Grace and their Lordships that his affairs had run into diſorder by his miſfortune in being Cautioner for perſons who proved inſolvent by loſses at ſea, bad debitors negligent and unfaithful ſervants and partly by the too great rigour of some of his own Creditors As alſo that he had done every thing in his power for their ſatiſfaction in denudeing himself of all his heretable and moveable Eſtate in their favors And in order to the obtaining a Protection from her Majeſty and the high Court of Parliament for his person the petitioner did ſummond his Creditors to Compear and Adduce what reaſons they could why the deſire of his Petition ſhould not be granted But they being convinced that his liberty to look after his buſineſs would contribute to their advantadge as well as the petitioners, made no oppoſition to the indulgence and the honourable Eſtates of Parliament were graciouſly pleaſed to Grant it; But the time of the Continuance of this benefite being almoſt expired the petitioner is neceſsitat again to make Application to His Grace and their Lordſhips and to ſhew that he has made no ill uſe of the favour and compaſsion that was granted him He humbly begged leave to repreſent that ſince that time he has payed thirteen thousand ſix hundred and fifeteen pounds Scots to Whitehill and Craigforth two of the most preferable of his Creditors and five thousand to others which not only disburdens his effects of a considerable sum but ſhews his willing inclinations to do them all juſtice And now seeing its well known that the petitioners preſent circumſtance has been occaſioned more by his miſfortune than fault, that his Creditors have been already cited, that moſt of them have conſented to a supercedere and that a very few remain peeviſh and obſtinate Therefore Craveing His Grace and the honourable Eſtates of Parliament to take the premiſes to consideration and to prorogat his liberty to such a term as their wiſdom ſhould think requiſite for ſettling the petitioners affairs to his and his Creditors satiſfaction as the said petition bears. And Her Majesties said Commiſsioner and the Eſtates of Parliament haveing fully conſidered the ſaid Petition And that the petitioner had cauſed call his Creditors in form of Law to the effect abovementioned And that the ſaid Creditors tho this day called in the uſual manner yet failzied to Compear And being therewith well and ripely adviſed They Renewed and hereby Renew the Protection in favors of the petitioner untill the next Seſsion of Parliament incluſive But on condition always of his doing juſtice to Daniel Campbell Merchant in Glaſgow according to the nature of his debt.

PROCESS George Dundaſs against his Creditors Called and none Compearing a Protection to the next Seſsion of Parliament incluſive was Granted to him as follows.

Protection in favors of George Dundaſs Merchant Leith

ANENT the ſummonds and action intented and purſued before His Grace her Majesties high Commiſsioner and the Eſtates of Parliament at the inſtance of George Dundaſs Merchant in Leith againſt his Creditors aftermentioned viz. James Forreſt Merchant in Leith Captain James Murray Merchant in Edinburgh for himself and as tutor for James Edmonſtoun James Shearer Serjant in Company in the Regiment of guards Marion Aitkine relict of Alexander Henderſon Robert Milne Maſsone John Cleghorn preſent

Theſaurer of Edinburgh Mr Robert Blackwood Merchant there Sir Thomas Moncreif of that Ilk Captain John Broun ſkipper in Leith Adolphus Durehame Merchant there Robert Muir Merchant there James Hay Writer in Edinburgh Sir John Schaw of Greenock Archbald Hamilton of Haggs Sir Archbald Stevenſon Doctor of Medecine Miſtreſs Anna Edgar indwellar in Edinburgh James Anderſon baxter there James Hamilton of Pencaitland Captain John Wightman Merchant in Edinburgh Mr John Spotswood Advocat Mr James Elphinstoun of Logie Mr Archbald Grahame late Biſhope of the Isles Alexander Lindsay Merchant in Edinburgh Janet Mackgill relict of John Idingtoun Writer in Edinburgh and Tutrix for James Idingtoun her ſon Alexander Glen Writer in Edinburgh Andrew Cockburn Caſheer to the African Company for himself and as repreſenting the directors thereof Mr George Pitcarn Commiſſar of Dunkeld and his Mother Mr James Ferguſon Advocat factor for Falconer of Newtoun John Earl of Lauderdale Sir John Lauder of Fountainhall Sir James Murray of Philiphaugh Sir Robert Dundaſs of Arnieſtoun Sir William Hamilton of Whitelaw Sir James Falconar of Phesdo Sir Colin Campbell of Aberuchill Sir Hugh Dalrymple of Northberwick Lord Preſident of the Seſsion Sir David Home of Croſsrig Sir John Maxwell of Pollock Sir John Hamilton of Halcraig Sir Archbald Hope of Rankeillor and Sir William Anſtruther of that Ilk Senators of the Colledge of Juſtice Mr John Halyburton Advocat William Boyd of Woodmill, Margaret Fouler relict of Brand baxter in the Canongate Alexander Steuart of Torrence Mr John Birnie of Broomhill David Scot of Scotstarbet Laurence Dunwooddie Merchant in Glasgow James Crauford of Montquhannie Dame Chriſtian Dundaſs Lady Northbank Walter Steuart of Pardovan John Waugh present Dean of Gild of Linlithgow for himself and in name of the Gildry there and John late Archbishop of Glasgow, The which Summonds maketh mention That where by the late Act of Parliament anent Protections It being Ordained that no protection be thereafter Granted without citation of the Creditors upon fifeteen dayes and inserting their names and designations in the protection And by a former Act of Parliament in the year Im vjc and ninety five anent regulating Citations before the Parliament It is ordained that Summonds and Warrands for citations before the Parliament ſhall in time of Parliament be granted by a deliverance of Parliament upon a bill to be given in by the party containing the matter of the cauſe or complaint ſigned by himself or an advocat for him And to be ſubſcribed by ane of the Six Clerks of Parliament and presented to the Lord Chancellor or Preſident of the Parliament for the time or any of the Officers of State that the same may be by them paſt in courſe And ſhall in the receſses and intervalls of Parliament be granted by deliverance of the Lords of Seſsion upon a summar citation to abide neither continuation nor roll in preſentia upon a bill containing preſented and ſubscribed as above and no otherwayes Which Summonds or Citations being granted ſummonds in her Majeſties name ſhall be thereon directed in manner mentioned in the ſaid act And the purſuer being reſolved to proſecute a protection againſt the ſaid Creditors in the terms of the ſaid Act of Parliament and to obtain the ſame for the reaſons following viz. First Because the most of the diſtreſses that are against the pursuer are not for any debts due by himſelf but only as Cautioner for Bonhard And yet for his ſaid haill Creditors better ſecurity and payment he is content to aſsigne and dispone to them the ſum of Twenty five thousand merks due by Bonhard to him and Bonhard haveing upon an dispoſition by him to his Creditors of his haill Eſtate Applyed to her Majesties high Commiſsioner and right honourable the Estates of Parliament for a protection to his person against his Creditors its humbly Conceived that the pursuer who is cautioner for him ought alſo to have a protection for the said debts Secondly Considering that the ſaid ſum of Twenty five thousand merks due by Bonhard to the purſuer is all that he has whereby to ſatisfie them and the personall execution against him will no wayes contribute towards their speedier payment and his retireing and absconding for fear thereof will rather incapacitat him to uſe that induſtry and follow ſuch imployments as might happily redound to their mutual advantadge in caſe he were at liberty to proſecute the same And Therefore Her Majeſty and the ſaid Eſtates of Parliament ought and should Grant an protection to the said pursuers person in the terms of and in manner mentioned in the Act of Parliament above specified for the reaſons and cauſes foresaid and others He Citeing his haill Creditors abovemen^{t} to hear the ſame granted or object thereagainst in manner and in the terms above and after mentioned And anent the Charge given by Maſsers and Meſsengers at arms to the ſaid haill forenamed persons defenders to have Compeared before his Grace and the Estates of Parliament at ane certain day long bygone to have heard and ſeen decreet and ſentence given and pronunced in the said matter in manner above and underwritten as in the ſaid Summonds and Executions thereof more fully is contained After elapſeing of the diet to which the defenders were Cited to compear the ſaid ſummonds was called in preſence of her Majeſties high Commiſsioner and the Eſtates of Parliament upon the tenth of January Im vjc and one years At which time the purſuer Compearing by Mr John Fairholme Advocat his procurator And the ſaid defenders by Mr James Graham and Mr William Black Advocats their procurators the foreſaid ſummonds was appointed

to be given out to be ſeen by the defenders procurators and was accordingly given out upon the ſaid tenth day of January and ſeen and returned by the defenders procurators upon the ſeventeenth of the ſaid moneth Thereafter the foresaid action haveing lyen over untill the twenty ninth of June I^m vij^c^ and three there was intimation then made for the purſuer to the defenders procurators that he was to inſiſt therein, and that they ſhould not pretend ignorance thereof as an inſtrument under the hand of Patrick Murray Notar Publick bears Afterwards there was a Petition to her Ma^ts^ high Commiſsioner and the Eſtates of Parliament given in for the purſuer Shewing that he the ſaid George haveing had the miſfortune not only of being a Creditor of Bonhards for the principal ſum of Twenty five thouſand merks, being the whole ſtock he had acquired for his own and families ſubſiſtence and proviſions, But alſo was ſtill more unfortunat in being Cautioner for him in ſeveral considerable ſums amounting to above fourty thousand pounds Scots: Bonhard being diſtreſsed by his Creditors the purſuer was neceſsitat to retire and abſcond and his whole ſtock is now evicted by arrieſtments and adjudications And he is rendered uncapable theſe three years bygone to uſe that induſtry and follow ſuch imployments as might any wayes tend to procure a livelyhood to himself and family In order to procure his liberty he did humbly mean himself to his Grace his late Majeſties Commiſsioner and Eſtates of Parliament upon the Act of Parliament I^m^ vj^c^ and ninety eight Anent protections and did Cite his Creditors to compear before his Grace and the honourable Eſtates of Parliament to hear and ſee protection granted to him for his person for such a time as ſhould be thought convenient and that for the following reaſons Primo Becauſe the moſt of the diſtreſses against him are not for any debt due by himself but only as Cau^r^ for Bonhard And yet for the purſuers said Creditors their better payment he is content to Aſsigne and Diſpone to them his rights and adjudications for sums of money either properly due to himself or which he has obtained for his relief And ſeeing Bonhard is at present at liberty the Eſtate being ſequeſtrat in a factors hand for the behoove of his creditors it is humbly Conceived that the purſuer who is Cautioner for him ought also to have protection for his Engagements Secundo Many of the purſuers Creditors knowing that the Twenty five thousand merks due to him is all he has to ſatiſfie them with, and that personal Execution against him will no wayes contribute to their speedier payment but that his retireing and absconding for fear thereof does rather incapacitat him from that induſtry and imployment which might tend to their mutual advantage (in caſe the purſuer were at liberty to prosecute the same) did therefore Consent that his Grace and the honourable Eſtates of Parliament might grant the pursuer a protection for ſuch a time as they should think fit as the ſigned Consent lying in proceſs doth testifie And in regaird that the proceſs being now ready to be advised and that intimation is made thereof by way of inſtrument to the defenders advocats and that others of the pursuers Creditors have most unreasonably refused to give their consent Therefore Craveing His Grace and the honourable Eſtates of Parliament to Compaſsionat the purſuers case and to cause call his foresaid ſummonds for protection and to adviſe the ſame with the reaſons abovementioned in order to grant him a perſonal liberty for such time and space as his Grace and their Lordſhips ſhould think fit as the ſaid Petition bears. Which Petition being upon the twenty third of September I^m^ vij^c^ and three considered by his Grace her Majeſties then high Commiſsioner and the Eſtates foresaid They appointed all parties Concerned to be ready to debate their Concern in the above cauſe the first diet the Parliament ſhould be upon privat buſineſs And there being upon the twenty fourth of Auguſt inſtant an Intimation for the purſuer again made to the forenamed procurators of his ſaid Creditors that he was to inſiſt in his ſaid action for a protection as an other Inſtrument under the hand of the ſaid Patrick Murray Notar publick fully bears Thereafter the foresaid Action and Cauſe was upon the day and date hereof Called in preſence of her Majeſties high Commiſsioner and the Eſtates of Parliament foreſaid And they haveing heard the ſaid Petition And that the ſaid proceſs at the purſuers inſtance againſt his Creditors being publickly Called at the great door of the Parliament houſe in the uſual manner none Compeared to object againſt the deſire thereof And being therewith well and ripely adviſed They Granted and hereby Grant to the ſaid George Dundaſs purſuer ane Protection for ſecurity of his person againſt all legal diligences for civil debts due by the purſuer to his Creditors abovenamed called in this proceſs untill the next Seſsion of Parliament incluſive Declaring that this protection ſhall not defend againſt any diligence for Warrandice of aſsignations and diſpoſitions granted by the purſuer to any of his ſaid Creditors.

THE Account of the Tunnage, read, whereof, and of the Commiſsions remarks p^r^on the tenors follow, [Account of the Tunnage]

ACCOUNT of the Tunnage

By an unprinted Act anno 1695 there was Sixteen ſhilling impoſed upon each tun of forreigne ſhips tradeing in this Kingdom and four shilling Scots on the tun of each Scots ſhip above twelve tuns burden.

This imposition commenced the first of August 1695 being appointed for carrying on an account

of the ancient and present state of this Kingdom and a Geographical description thereof by Captain Slezer and John Adair and was to be uplifted by the Collectors of the Cuſtomes who were made lyable for their omiſsions as well as their intromiſsions.

Upon the first of September 1698 The Parliament did by a new act reduce the imposition of Sixteen ſhilling per tun on forreign ſhips to Eight ſhilling Scots per tun for encouragement to those who would Export coal and raised the foresaid impoſition to twenty four shilling per tun to be Exacted from all other forreign ſhips arriveing in this Kingdom upon the account of any other trade; This new impoſition with the abovementioned four shilling on our own ſhipping was Continued five years to be applyed for keeping up the three frigots belonging to the Government and for maintaining a Profeſsor of Law at Edinburgh in so far as there ſhould be an overplus in the tunnage more than what ſhould be found due to John Adair and Captain Slezer.

CHARGE of the Tunnage upon the Collectors from the first of Auguſt 1695 to first of Auguſt 1698.

By Collections Twenty one thouſand three hundred and thirty nine pounds - - -	£21339 — —

DISCHARGE,

For Printing Preſses, Types, Paper, and other Charges for promoting the Geographical Deſcription of this Kingdom by John Adair, Twelve thousand eight hundred & fourty pounds - - -	£12840 — —
To Captain Slezer Four thousand eight hundred pounds - -	4800 — —
To Sir Archbald Saintclair and Hugh Broun Three thousand three hundred pounds - - -	3300 — —
Balance reſting by the Collectors Three hundred and ninety nine pounds - - - -	399 — —
	£21339 — —

This is the beſt Account the Commiſsion can give to the Parliament of the Tunnage untill the year 1698 for tho nothing has been wanting in their part to the makeing up of a more exact Charge upon the Collectors by considering the report books belonging to the several Custome houſes and the books of the Lights of May island yet their endeavours have hitherto been unſucceſsfull However they have good reaſon to think that if this fond had been rightly managed it had turned to a much better account.

The Commiſsion has ſucceeded no better in their inquiry into the ſame from the first of February 1698 to the first of September 1703 Only by a modeſt computation and with respect to the first charge they apprehend that at leaſt the ſum of fourty four thousand pounds ought to be charged upon the Collectors But they hoped there will be ſuch meaſures laid down by Sir Andrew Home now Generall Collector of that fond as will prove effectual for giveing the Parliament ſatiſfaction.

They muſt likewayes repreſent to the Parliament that four of their number did viſit M[r] Adairs work and told them it was far advanced and deſerved encouragement.

THE Petition Alexander Nisbet read, and Recommended to the Commiſsion for any fund can be found for him. Recommendation in favors of Alex[r] Niſbet.

MEMORIALS for M[r] Adair & Captain Slezer with a Petition for Sir Robert Sinclair read, & Remitted to the Commiſsion with preference to their respective intereſts conform to the Act of Parliament. Remit in favors of M[r] John Adair Captain Slezer and Sir Robert Sinclair

AS to the Rests and Imbazlements of the Tunnage Remitted to the Commiſsion to Aſsiſt Sir Andrew Home to make the impoſition effectual and to hear any repreſentations thereanent and Recommended to the Lords of Theſaury and Exchequer to roup the ſame with the burden of his bygone ſallaries. Remit and Recommendation anent the Tunnage

ACT for an imposition on forreign ſhips in favors of M[r] Adair to bear his Charge of finiſhing the maps and deſcriptions of the ſea coaſts and iſlands read, with the foreſaid report of the Commiſsion concerning the progreſs made by him; Ordered that in the Act there be inserted That he go on to perfect the ſea maps in the firſt place and next the land maps and that the duty be twelve ſhilling on the tun and to indure for five years And then ordered a first reading to be marked on the Act. [M[r] John Adair]

THE Accounts of the Admiralty read, Whereof and of the Observations theron the tenors follow. [Accounts of the Admiralty]

THE ACCOUNTS of the Admiralty given in by Hew Cuningham.

CHARGE upon the Admiralty.

I° By Caſh received out of the Pole money and otherwayes Two hundred and thirty ſeven thouſand five hundred and fifty eight pounds, nine pennies - -	£237558 — 9

2° From Sir Andrew Myretoun per the Thefauries precept in Sir George Hamiltons account Fourty eight thoufand pounds - - - 48000 — —

£285558 — 9

DISCHARGE,

1° For provideing fhips of war and maintaining the same with other neceſsaries thereto belonging Two hundred and feventy three thouſand five hundred and fifty eight pounds, nine pennies - - £273558 — 9

2° Given to Sir Andrew Myretoun twelve thousand pounds - - 12000 — —

£285558 — 9

OBSERVATIONS on the Accounts of the Admiralty

1° That the first Article has been Considered by a particular Account and found fully inſtructed and applyed for the uſes of the Admiralty.

2° That the twelve thousand pounds mentioned in the diſcharge as given to Sir Andrew Myretoun he retained the ſame for advanceing thirty six thousand pounds of the Theſaurys precept mentioned in the Charge.

3° That considerable arrears are owing to the Seamen amounting to the sum of Eighty four thousand pounds or thereby.

UPON reading whereof The first Observation Suſtained The second Obſervation Remitted to the Commiſsion to inquire thereanent and to report.

THE Parliament haveing heard that part of the report Relateing to the falſe Muſters which is as follows, That tho the ſtanding forces ſince the year 1693 were payed as compleat according to the Eſtabliſhments Yet by the Check Muſter rolls ſubscribed by the Magiſtrats of the places where the Muſters were made it is evident that for the space of some years thereafter the several Regiments and Companys were seldom or never compleat but deficient in considerable numbers The Commiſsion cannot positively Affirm who muſt be answerable to the Parliament for theſe abuſes the Muſter Maſter General being then out of the Kingdom who they doubted not is able to inform the Parliament better of this matter than they can Only in all humility they muſt repreſent that this deserves the Parliaments consideration that a right method may be fallen upon for preventing the like in time comeing; And haveing alſo heard a Petition preſented by John Smith offering to diſcover the ſaid falſe musters Who being called alleadged that Thomas Bruce general muſter maſter had received One hundred pounds Sterling and one man of each company of the Regiment in the garriſon of Inuerlochie to get their Muſter rolls compleatly given in which he offered to prove by Colonell Forbes and John Forbes Agent to the regiment, And of conſent of M' Bruce John Forbes was examined and he ordained to produce his books on oath before the Commiſsion, And Remitted to them to meet to morrow at eight a clock to inspect the articles in the books and to call the ſaid John Forbes Colonell Forbes or any other who were officers in that regiment and to ſtate the whole articles relating to this affair and the manner of probation and by whom and to report to the Parliament.

PETITION The Earl of Marchmont Craveing a ratification of a charter in his favors to be paſt, read. [Earl of Marchmont]

REMITTED to the Commiſsion to inquire how far Kilmaronock and his partners were leſed in their tack of the Exciſe and to report. Remit in favors of Kilmaronock & partners.

ACCOUNT of the Arrears due to the Army for clearings and cloathing money from the first of November 1689 to the firſt of December 1700, read, which with the Observations thereon made by the Commiſsion of Parliament are as follows. [Account of Arrears due to the Army &c.]

Resting to the Army from the first of November 1689 to the first of February 1691, Three hundred & ſeventy four thousand four hundred & ſeventy ſeven pounds fifeteen ſhilling & nine pennies - £374477 15 9

From the first of February 1691 to the first of February 1693 One hundred & ſeven thousand eight hundred and twenty eight pounds ſeventeen ſhilling - - - 107828 17 —

From the first of February 1693 to the first of January 1698 One hundred and ſeventy one thouſand three hundred and twenty four pounds two ſhilling - - - 171324 2 —

From the first of January to the first of July 1698 Fourty five thousand five hundred and ten pounds nine shillings - - - 45510 9 —

From the first of July 1698 to the first of December 1700 Six hundred and thirty ſeven thouſand one hundred and thirty two pounds, two ſhilling - - - - 637132 2 —

£1336273 5 9

OBSERVATIONS upon the Arrears due to the Army

1° That if the forces had been payed according to their numbers as they were muſtered a far leſs ſum had been reſting to them.

2° That the Eſtabliſhments were increased from time to time and no wayes proportionable to the funds appointed by the Parliament.

3° That the deficiencies allowances and abatements in the tack duties of Exciſe gave occaſion to the above mentioned arrears.

[Anent misapplying the Funds]

OVERTURE for an Act anent the misapplying the funds, read.

[Account of Ceſs &c. resting to the Publick]

ACCOUNT of what is reſting to the Publick of the Ceſs Exciſe Hearthmoney Polemoney and Tunnage since the year 1689 to 1701, read, Which is as follows.

Rests of Ceſs and Exciſe as per the Commiſsions observations on the ſecond account, Seventy eight thouſand one hundred and ninety two pounds - - - - - £78192 — —

By the fractions of the Ceſs omitted in the ſecond account four hundred pounds - - - - - 400 — —

By the Reſts of Ceſs and Exciſe as p[r] the diſcharge of the fourth account, Fourty nine thousand four hundred and fourty seven pounds 49447 — —

By Sir Thomas Moncrief to account of the Civil Liſt Threty three thouſand one hundred and twenty eight pounds ten ſhilling - - - 33128 10 —

By Sir Thomas Kennedy of his tack duty of Exciſe Twenty two thousand four hundred and sixty four pounds - - - - 22464 — —

By Broomhall as the balance of the fifth account fifeteen thousand one hundred and fourty pounds eight ſhilling - - - - - 15140 8 —

By the Duke of Queenſberries bonds Fourty two thouſand one hundred and fourty four pounds - 42144 — —

By the late Duke of Argylls bond nine thousand four hundred and thirty seven pounds four shilling - 9437 4 —

By Colonell Hamiltons bond five hundred & eighty eight pounds - 588 — —

By the fractions of Ceſs omitted in the Sixth Account one thouſand and three hundred pounds ſix ſhilling - - - - - - - 1300 6 —

By reſts of Ceſs and Exciſe not carried to any ſubſequent account as p[r] the observation on the ſeventh account Twenty thouſand one hundred & four pounds five ſhilling - 20104 5 —

By fractions of Ceſs omitted in the ſeventh account Two thousand four hundred pounds - - - - 2400 — —

By Baillie Meinzies and Captain Wood of their tack duty of Exciſe Three hundred and fourty eight thousand pounds - - - 348000 — —

By the fractions of Ceſs omitted in the Eight Account One thousand eight hundred & fourty six pounds 1846 — —

By the Collectors of the Pole 1693 Fifty five thousand six hundred and ſeventy pounds sixteen ſhilling - - 55670 16 —

By Jerviswood of the Pole 1693 Four thousand three hundred and fifty pounds ſixteen ſhilling - - 4350 16 —

By the Tacksmen and partners of the Pole 1695 untill four Articles of their Accounts be inſtructed Twenty six thousand three hundred & ſeventy six pounds - - 26376 — —

By the Tacksmen of the Pole 1698 Thirty eight thousand and ſeventy ſeven pounds four ſhilling - - 38077 4 —

£749066 9 —

Besides theſe Debts owing to the publick there will be considerable ſums reſting out of the Hearth money and Tunnage these funds not being brought as yet to any diſtinct charge.

General Remit to the Commiſsion anent the Publick Accounts.

UPON reading of which Account The first three Articles Remitted to the Commiſsion to inquire if theſe that were receivers at that time Received these balances and the Lords of Thesaury Ordered to raiſe proceſses against the deficients, The fourth Article with the Abbreviat given in for exhauſting the same Remitted to the Commiſsion, The fifth Article Remitted to the Commiſsion, As to the payment of the sums in the Duke of Queensberries and late Duke of Argyls bonds Remitted to the Commiſsion to hear their defences and to divide amongst the officers who had right to these funds out of which these sums were borrowed what ſhall be found due; As to Colonel Hamiltons bond the Contents thereof cleared formerly; As to all the fractions of Ceſs omitted, the quota to be keeped up and the Collectors lyable, And what is omitted in general Remitted to the Commiſsion to inquire thereanent and to report.

THE Parliament Declared they would conſider Sir William Meinziess petition next Sederunt.

Remit to the Commiſsion concerning the Lord Belhavens tack duty.

MOVED That inquiry be made anent the arrears of the tack duty of the Lord Belhavens tack in the terms of the deliverance of Parliament thereanent in his favors. And the queſtion being ſtated whither to Remit the same to be determined by the Lords of Exchequer or to the Commiſsion of Parliament to make inquiry and report against the next Seſsion of Parliament, and Carried Remit to the Commiſsion.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXVI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE proceſs the Laird of Clackmannan against his Creditors being called and none of them Compearing protection was granted to him to the next Seſsion of Parliament incluſive, in manner following.

Protection in favors of the Laird of Clackmannan

ANENT the ſummonds and action raiſed and purſued before the high Court of Parliament at the inſtance of David Bruce of Clackmannan against his Creditors afternamed viz. Mr Alexander Campbell Minister of the Gospell at Inverara as repreſenting the deceaſed James Edmonſtoun merchant in Edinburgh Mr Thomas Learmonth Advocat Margaret Williamſon only lawful daughter and heir to the deceaſed James Williamſon only lawful ſon and heir to the deceaſed John Williamſon of Barnhill Charles Milne Writer to the Signet lawful ſon to Robert Milne of Balfarg as repreſenting the deceaſed Walter Weir Merchant in Edinburgh Murrays lawful Children to umqh Mr Patrick Murray Miniſter at Stirling William Row eldeſt lawful ſon to umqh James Row of Cheſters Murray of Poltoun as repreſenting the deceaſed John Johnſtoun lately ane of the Baillies of Edinburgh his father in law William Angus in Bruntiſland as repreſenting the deceaſed Patrick Angus there James Ged ſkipper there as representing the deceased Patrick Ged there William Robertson Merchant in Edinburgh John Earl of Mar Sir John Shaw of Greenock Lundie of Glaſwell Agnes Simpſon relict of George Bervie Maltman in Kirkcaldie George Bervie their ſon and Agnes Bervie relict of the deceaſed Henry Boiswell late Provoſt of Kirkcaldie as repreſenting the ſaid umqh Henry Boiſwell Andrew Mitchell in Eaſter Gellets as heir and repreſenting the deceased Andrew Mitchell his father John Watſon of Dunikeir James Campbell of Gargunnock James Kennoway in Kinroſs Alexander Dick baxter and as Thesaurer of the Quensferry James Moodie in Long Carſs of Alloway as representing umqh Robert Miller there William Burd preſent Theſaurer for the Gildry of Stirling William Aitkine present Maſter to Cowans hospitall there William Murray preſent Maſter to Spittells hospital there Patrick Stevenson present Thesaurer to the Kirk Seſsion there Criſtopher Ruſsell ſon and apparent heir to umqh Robert Ruſsell late Provoſt there James Campbell of Dollar and Iſsobel Moreis his spouse Margaret Edie spouse to John Cowie merchant in Dumfermling and the ſaid John for his intereſt Elizabeth Edie spouse to David Edie preſent Theſaurer there and the ſaid David for his intereſt as repreſenting the deceased Henry Innes Weaver there Iſsobel Bennet relict of the deceaſed William Coustoun of Barhill Sarah Wilson lawful daughter to William Wilson at the Walkmill of Crombie John Smeitoun ſon to umqh Thomas Smeiton in Alloway as representing James Mitchell in Alloway Mr Robert Wright [Miniſter at Culroſs] John Anderſons elder and younger in Weſter Gellets John Morison baxter in Alloway as representative to Steven there Robert Ferguson ſervitor to the Earl of Mar as repreſenting Daniel Ferguson taylor there John Kirk Theſaurer to the Kirk Seſsion there William Henderson as representing umqh Thomas Henderſon of Whitehill John Dempster in Tounhead of Alloway as representing umqh James Dempſter there John Scotland in Weſter Saline as representing umqh Robert Gib and Margaret Gib his daughter there Charles Keirie of Gogar for himſelf and as repreſenting Mr Robert Bruce of Woodſide and his ſiſters William Galloway Wright in Edinburgh as heir to umqh William Galloway in Jellium in Alloway John Callendar Collector or Surveyer in Borrouſtounneſs Elspeth Spouart relict of John Sawers in Alloway

and John Sawers her ſon as repreſenting umq^{h} Margaret Steven her mother there John Anderſon in Kincardine as representing James Anderson there Margaret Richardſon relict of umq^{h} Colin Oliphant in Bruntisland and Oliphant her daughter Beatrix Ged relict of James Bruce Meſsenger there David White in Clackmannan Walter Rob in Balwhairn Sir William Bruce of Stainhouſe James Bruce of Powfouls John Wordie of Torbrex David Douglaſs ſon to umq^{h} Hary Douglaſs in the Gellets George Currie in Primescoſs James Huttoun in Corſſoord as repreſenting the ſaid umq^{h} Hary Douglaſs John Maſson in Alloway and Iſsobell Fothringham his spouse Thomas Scotland in Weſter Dollarbeg Captain John Bruce in Clackmannan Lieutennent Hary Bruce in Sauchie Mr Charles Bennet in Eaſter Livielands ſon to umq^{h} Mr George Bennet Miniſter at Saint Mineans Robert Scotland in Clackmannan Kathrine Bruce daughter to umq^{h} John Bruce Merchant at Dundie John Robertſon ſon to umq^{h} Mr John Robertſon late Baillie of Hadingtoun as repreſenting the deceaſed John Robertſon Writer in Edinburgh Sir James Juſtice one of the principal Clerks of Council and Seſsion as repreſenting Baillie Juſtice James Baird Writer to the Signet as repreſenting John Anderson Writer there Mr John Meinzies of Cambo Advocat for himſelf and as repreſenting William Reid Merchant in Edinburgh William Bennet younger of Grubbet and Hay his Lady as repreſenting Sir David Hay Doctor of Medecine Alexander Drummond Writer in Edinburgh as repreſenting the deceaſed Mr Alexander Drummond Writer in Edinburgh his father William Broun of Dalgourie lawfull ſon to and as representing Mr James Broun Archbald Sydeſerf now of Ruchlaw lawfull ſon to Archbald Sydeſerf of Ruchlaw James Lafriese Writer in Edinburgh as repreſenting the deceaſed Mr James Caithneſs Writer in Edinburgh his father in law Walter Young Merchant in Edinburgh James Guthrie Merchant in Edinburgh Mr Thomas Rig Advocat William Patoun of Panholls Writer to the Signet for himſelf and as repreſenting the heirs of Alexander Gay late depute Toun Clerk of Edinburgh Doctor Alexander Broun as representing the deceaſed James Kello Writer there Sir Robert Sinclair of Longformacus Gilbert Fyfe Merchant in Edinburgh Miſtreſs Kathrine Binning relict of and as repreſenting umq^{h} Scot of Bavilaw Mr George Douglaſs eldeſt lawful ſon to umq^{h} Henry Douglaſs Writer in Edinburgh his father Patrick Williamſon Vintner in Edinburgh as representing the deceaſed Thomas Littlejohn taylor there Margaret Gib relict of umq^{h} Mr George Jolly Merchant in Edinburgh Thomas Mackbrayer indwellar in the abbay of Holyrudehouse Jean and Margaret Mackbrayers Children to the ſaid Thomas as repreſenting umq^{h} James Gib Merchant and Vintner in the Canongate Gilbert Kirktoun Writer in Edinburgh Ker of Moriſtoun John Kennedy Apothecary in Edinburgh as repreſenting the heirs of William Ramsay indweller there Agnes Williamſon ſpouſe to Alexander Couſtoun putherer there Captain John Bruce of Woodside Margaret Henderson relict of David Hodge indweller in Leith Agnes Law daughter to umq^{h} Law Goldſmith in Edinburgh and as heir to her ſaid umq^{h} father Mr George Shaw Advocat John Viſcount of Stair Mr William Dalrymple of Glenmure Mr Roderick Mackenzie of Preſtounhall Mr John Buchannan Writer in Edinburgh and Chriſtian Wright his spouſe Mary Craigingilt relict of Mr Robert Wright Miniſter at Clackmannan Mary Wright relict of James Bruce Merchant in Alloway Patrick Pitcairn younger of Pitlouer as repreſenting the heirs of Archbald Wilſon late Baillie in South Queensferry William Bruce of Newtoun Alexander Bruce his ſon Alexander Inglis Merchant in Edinburgh Charles Craigingelt of Woodside David Bruce Apothecary in Edinburgh Gavin Hamilton one of the depute Clerks of Council and Seſsion Patrick Blair Writer in Edin^{r} Robert Boyd Writer there John Wright of Kerſey Rebecca Pringle spouse to Reuben Mackreuben periwigmaker in Edinburgh and him for his intereſt as representing David Pringle Chirurgeon there Sir Andrew Ramsay of Wauchtoun Mr David Blair Miniſter of the gospel at Edinburgh and John Blair Writer there his brother German as representing the relict of Mr Robert Blair late Miniſter at Saint Andrews Alexander Gray Merchant in Edin^{r} as repreſenting Alexander Cruickſhanks Merchant there John Edgar lawful ſon to umq^{h} Thomas Edgar Chirurgeon there as representing his said umq^{h} father, George Suttie lawful ſon to umquhill James Suttie Merchant in Edinburgh as repreſenting umq^{h} Mr George Suttie and Sutties his Children Alexander Aikenhead Writer to the Signet David Plenderleith Writer there George Lockhart of Carnwath as representing umq^{h} Sir George Lockhart of Carnwath his father Kathrine Hamilton relict of umq^{h} Mr Alexander Dunbar Writer to the Signet and Ronald Dunbar his ſon as repreſenting the deceaſed Mr James Dunbar Miniſter of the gospell William Murray of Haldan Sir James Macklurg late Dean of Gild of Edinburgh Lieutennant Colonell James Bruce of Kennet Alexander Milne of Carriden Sir Robert Milne of Barntoun Mr George Campbell Merchant in Edinburgh William Eccles Doctor of Medecine Francis Bruce Writer in Edinburgh John Sharp of Hoddam Murray of Melgum as representing Alexander Murray of Preſtounfield Sir James Hall of Dunglaſs as representing Sir John Hall of Dunglaſs his umq^{h} father Patoun ſon to umq^{h} William Patoun late Baillie of Edinburgh as representing the deceaſed Archbald Patoun Merchant there and his spouse and against the

Tutors and Curators of such of the forenamed persons as are minors if they any have for their intereſts The which ſummonds maketh mention That where it hath been the purſuers misfortune to have lost his Estate and become inſolvent partly through his haveing unadvisedly entered himſelf heir to his father believeing his debts far within the value of his eſtate the purſuers father left him By which miſtake the purſuer continued to beſtow very considerable ſums of money for fitting out and putting in good condition the coals of Clackmannan and Sauchie Which though at the beginning they did not answer the pursuers expêctation yet is now found to be most beneficial to his Creditors Secundo As soon as the pursuer knew his inſolvency he disponed his whole Estate to his Creditors and they or their factor have ever ſince been in poſſeſſion thereof, Tertio The pursuer has obtained consent from the moſt conſiderable of his Creditors and only some few out of humour do perſiſt to Execute legal diligence against him to no other effect poſsible but to vex him and ruin his perſon after he has diveſted himſelf of all his Eſtate for their ſatiſfaction And in that caſe the allowing the purſuer a freedom for his perſon is moſt conſiſtant with Law. And anent the charge given to the ſaid haill Defenders and the Tutors and Curators of such of them as are minors if they any have for their intereſts to have Compeared before the said Eſtates of Parliament at a certain day now bygone to have answered at the purſuers inſtance if they have juſt cauſe to alleadge why the pursuer ſhould not have the benefite of a Protection from the rigour of his ſaid Creditors for ſuch time as ſhould be thought requiſite With Certification if they failzied Protection would be granted to him in manner foreſaid as in the ſaid Summonds and Executions thereof is more fully expreſsed The ſaid pursuer Compearing by Sir John Erſkine Advocat his procurator And there being no Compearance for the defenders the foresaid Summonds and Executions thereof with the absence of the defenders being at length heard ſeen and considered by her Majeſties High Commiſsioner and the Eſtates of Parliament and they being therewith well and ripely adviſed Our Sovereign Lady with advice and consent of the said Eſtates of Parliament has Given and hereby Gives Protection to the purſuer from perſonal diligence for civil debts untill the next Seſsion of Parliament incluſive Because after elapseing of the diets of compearance to which the ſaid defenders and the Tutors and Curators of ſuch of them as are minors were lawfully Cited by ſeveral Meſsengers at arms by vertue of the ſaid Summonds to have Compeared before the said Eſtates to the effect and with certification as is above expreſsed The ſamen ſummonds was on the ſecond of Auguſt I^m^ vij^c^ and three and thereafter alſo on the nineteenth day of July laſt bypaſt Called in the uſual manner by a Maſser at the patent gate of the Parliament houſe after the opening thereof and before the ſitting of the Parliament where the purſuer compeared by his procurator abovenamed but the defenders failzied to Compear as ſaid is And the ſaid Summonds and Action being this day again called in the accuſtomed manner and none of the defenders Compearing Therefore and upon adviſeing the whole proceſs Protection was Granted to the purſuer in manner and endureing the time abovewritten.

THE Ratification in favors of the Earl of Marchmont of his Charter, paſt, Of which Ratification the tenor follows.

RATIFICATION in favors of Patrick Earl of Marchmont and Patrick Lord Polwarth his son of the Barony of Marchmont.

OUR SOVEREIGN LADY with the special advice and consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirms a Charter paſt and expede under her Majeſties great Seal of this Kingdom of the date at Saint Jamess the laſt day of January I^m^ vij^c^ and four years Granted by her Majeſty with Consent of the Lords and others Commiſsioners of her Theſaury and Exchequer for the time to and in favors of Patrick Earl of Marchmont in liferent and to Patrick Lord Polwarth his eldeſt lawful ſon and the heirs maſe to be procreat of his body Which failzieing to the heirs male of the said Patrick Earl of Marchmont of his marriage with the deceaſed Dame Griſsell Ker Which failzieing to the said Earl his neareſt lawful heirs male whatſoever Which alſo failzieing to his neareſt lawful heirs female the eldeſt ſucceeding alwayes without diviſion Which alſo failzieing to his neareſt lawful heirs and aſsigneyes whatsoever heretably and irredeemably With and under the expreſs proviſions and conditions therein and after mentioned Of all and haill the Lands Mills Millands Baronies teinds parsonage and viccarage rights of patronage and others particularly under written viz. All and haill the half of all and haill the Lands of Polwarth to wit the half of the Toun of Polwarth and mill thereof called the mill of Reidbraes containing the Weſt Maines of Polwarth called Reidbraes with mannor place houſes biggings yeards orchyeards parts pendicles annexis connexis tenents tenandries ſervice of free tenents with all their pertinents lying within the Sheriffdom of Berwick formerly united in one haill barony called the Barony of Reidbraes All and haill the other half of the said lands of Polwarth called the Eaſt half thereof with mannor place corn mill dovecoat and pertinents thereof and the advocation donation and right of patronage of the paroch kirk of Polwarth and all priviledges and 8

pertinents belonging thereto lying within the ſaid Sherifdom of Berwick formerly conqueſt and acquired by the deceaſed Sir Patrick Home of Polwarth Knight and Baronet from umq^{h} Sir David Home of Wedderburn and lately disponed by George Home now of Wedderburn in favors of the ſaid Patrick Earl of Marchmont then deſigned Sir Patrick Home of Polwarth All and haill the Lands of Hardens above and below the water thereof The Lands of Ferrieswalls with parts pendicles and pertinents thereof All and haill the Lands of Birgemſhiells extending to thirty merk land with parts pendicles annexis connexis and pertinents of the same whatsoever And sicklike all and haill four huſband lands of Eaſterlaws of Whitsome with annexis connexis and pertinents thereof all lying in the ſaid Sherifdom of Berwick All and haill two huſband lands in the Toun and territory of Graden with the pertinents called Bankhead lying within the said Sherifdom And all and haill the Lands of Haitſhaw with parts pendicles and pertinents of the same lying within the Bailliary of Lauderdale and Sherifdom foresaid All and haill the Lands of Vigorushaugh with the fiſhings thereof upon the waters of Tweed and Teviot The lands of Bradyeards with the dovecoat thereof The lands of Horsemercat together with a huſband land in the toun of Cesfoord with all and ſundry parts pendicles annexis connexis tenents tenandries ſervice of free tenents and all their pertinents lying within the Sherifdom of Roxburgh all formerly united and incorporated in ane haill and free Barony called the Barony of Polwarth whereof the Toun of Polwarth is ordained to be the principal Burgh and is Erected in a free Burgh of Barony with all liberties immunities commodities and caſualities of a Burgh of Barony With free power to the ſaid Earl and his foresaids of choseing and creating yearly Baillies Clerks and Officers for governing the ſaid Burgh and of keeping thereat a weekly mercat every Tueſday and two yearly fairs one upon the twenty fourth day of Auguſt and the other on the thirteenth day of January conform to a Charter thereof under the Great Seal dated the twenty fifth day of June One thousand six hundred and sixty nine And sicklike All and haill the Lands of Greenlaw Reidpeth with touer fortalice mannor place houſes biggings common muir mills multures annexis connexis parts pendicles and pertinents of the same The lands of Broomhill Blaſsenbraid with the pertinents The Lands of Greenlaw dean with mannor place mills millands and aſtricted multures thereof The lands of Polkhaugh Blaſsenbraid alias Blaſsenberrie with the pertinents The lands of Eaſtfield Whiteside Tonendrie Marksworth and Claydub with the pertinents The Mains of Greenlaw and Kirklands thereof The Toun and Burgh of Greenlaw with the teind ſhaves thereof included all united and erected in one free Barony called the Barony of Greenlaw Reidpeth With all and ſundry priviledges liberties and immunities whatsoever granted by his deceaſed Majeſty and his predeceſsors in favors of umq^{h} Sir George Home of Spot or any of the predeceſsors or authors of the ſaid Patrick Earl of Marchmont and fully expreſsed in the charters and other rights thereof And specially with full power and liberty of holding a weekly mercat in the ſaid Burgh and Toun of Greenlaw every Thursday and two yearly free fairs one thereof to begin yearly on the first Thursday of June and to continue two dayes and the other to begin the laſt Thursday of October and to indure the like space With all and ſundry liberties priviledges immunities tolls cuſtomes emoluments caſualities profites and duties of the ſaid weekly mercat and yearly fairs and with the advocation donation and right of patronage of the paroch kirk and parochine of Greenlaw as well parsonage as vicarage And also all and haill these two huſband lands in Elvotlaw and two Cottage Lands in Greenlaw with all and ſundry houſes biggings yeards parts pendicles and pertinents of the ſame all lying within the ſaid Sherifdom of Berwick Which huſband lands and two cottage lands immediatly abovemen^{t} are united and annexed to the ſaid Barony of Greenlaw Reidpeth, All and haill ane huſband Land lying in the Toun and territory of Beinſtoun with houſes yeards & pertinents lying in the Conſtabulary of Haddingtoun and Sherifdom of Edinburgh formerly poſſeſsed by Thomas Angus of Haprig And further of all and haill the Lands of Rowanſtoun with houſes biggings yeards orchyeards tofts crofts parts pendicles and pertinents thereof tenents tenandries and ſervice of free tenents of the ſame lying within the parochine of Greenlaw and Sherifdom of Berwick foreſaid. Which Charter proceeds on the reſignations of the ſaid Patrick Earl of Marchmont and Patrick Lord Polwarth respective With and under the ſd proviſions and conditions afterspecified viz. Provideing that the ſaid Patrick Lord Polwarth and the reſt of the heirs male and ſubstitutes ſucceeding to the ſaid Lands and Eſtate by vertue of the tailzie abovementioned ſhall be bound holden and oblidged to name and deſigne themſelves by the Sirname of Hume only and to bear the Arms and Armorial Coat of the family of Marchmont And also that if it ſhall happen (by the failour of heirs male) the foresaid female heirs to ſucceed by vertue of the abovewritten tailzie to the Lands and Eſtate abovementioned In that caſe the female heir so succeeding ſhall be bound and oblidged to be married to a Nobleman or Gentleman of the Sirname of Hume or who with his heirs that ſhall ſucceed to the ſaid Lands and Eſtate by vertue of the said tailzie *ſhall aſsume the ſaid ſirname* and bear the arms and armorial coat of the ſaid familie of Marchmont And sicklike provideing that it ſhall not be lawful to the ſaid Patrick Lord Polwarth

nor others the heirs of tailzie abovewritten or any of them to do directly or indirectly any fact or deed to fruſtrat break innovat or change the ſaid tailzie in order of ſucceſsion and with the proviſions and conditions above expreſsed And if it ſhall happen the said Patrick Lord Polwarth or any of the heirs of tailzie above specified to faill in the exact and punctual performance of the forſd conditions or to do directly or indirectly any fact or deed contraveening the same In that caſe and upon every such event the Contraveener ſhall by ſo doing looſe his right to the ſaid Eſtate And the ſame ſhall devolve accreſce and pertain to the next immediat heir of tailzie under the proviſions and conditions above expreſsed and that ſimply by way of exception without any declarator To which next immediat heir it ſhall be lawfull to cognoſce and ſerve himſelf heir in special either to the Contraveener or his immediat predeceſsor who died laſt infeft and thereupon to obtain himſelf duely & lawfully infeft and ſeaſed in the ſaid Lands and Eſtate without being any wayes lyable to the debts or deeds of the Contraveener And lastly provideing that it ſhall be leiſum and lawful to the ſaid Patrick Earl of Marchmont himſelf to ſell and diſpone the ſaid Lands and Eſtate and to Contract and take on debts upon the same and to grant as he pleaſes rights and ſecurities for the ſame without consent of his said son or any others the heirs of tailzie abovewritten ſicklike as if he were abſolute fiar thereof altho the ſame be provided to his said eldeſt ſon and the heirs of tailzie above specified, By which Charter her Majeſty with consent foresaid Disjoins the haill Lands Baronies Mills Mill lands teinds rights of patronage and others foreſaid with the pertinents from all and whatsoever Lordſhips Baronies Regalities and other jurisdictions whatsoever to which the ſame were formerly united And of new Unites Erects and Incorporats the same in one haill and free Lordſhip and Regality with Chappell and Chancellary to be called now and in all time comeing The Lordſhip and Regality of Marchmont with full right priviledge and juriſdiction of Chappell and Chancellary And ſicklike of Juſticiary within the haill bounds of the ſaid united Regality and Makes and Conſtitutes the said Patrick Earl of Marchmont dureing his life and the said Patrick Lord Polwarth and the heirs male and of tailzie above specified under the conditions and proviſions above expreſsed heretable Lords of the ſaid Lordſhip and Regality Giveing and Disponing to them the foresaid Regality and jurisdiction with free chappell and chancellary right and priviledge of Juſticiary and all and ſundry priviledges immunities caſualities honors dignities emoluments and liberties whatsoever pertaining thereto to be poſſeſsed and enjoyed by them ſicklike and as freely in all respects as any other Lord of Regality within this Kingdom poſſeſses or enjoyes or can poſſeſs and enjoy by vertue of the Laws and Conſtitutions thereof With Power and Commiſsion to them by-themſelves and their Baillies and Deputes to hold fence and continue Courts of Regality within the bounds thereof or any part thereof for adminiſtration of juſtice and to Creat and Elect all members of Court and to Emit and Direct in their own names as heretable Baillies of the ſaid Regality all Citations Precepts Brieves Edicts and Proclamations and others for serveing heirs and adminiſtration of Juſtice in all cauſes civil and criminal And with power to them and their Baillies depute substitute and Clerks, (and no others) to give infeftment by vertue of precepts furth of the Chancellary upon the ſaid ſervices and retours And also with power to them to Conveen before them all delinquents and transgreſsors within the ſaid Regality and to incarcerat fine and adjudge them and to uplift and apply to their own use the amerciaments forefeitures eſchets fines and bloodwites of the said transgreſsors and delinquents And sicklike to Repledge all and whatſoever persons dwelling and reſideing within the said Regality from all other Courts and Jurisdictions to which they shall be cited And to adminiſter juſtice in all Cauſes Civil and Criminal (the Crime of Leſe Majeſty only excepted) And to cauſe lawfully Execute their ſentences And to uplift aſsigne and diſpone the Liferent Eſcheats and forfeitures of all perſons who ſhall be guiltty within the ſaid Regality of the crimes foresaid or any of them or who ſhall happen to be denunced rebells which liferent eſcheats and forefeitures are by the said Charter given and disponed to the said Earl dureing his life and to his said son and their foresaids for ever By which Charter alſo the Toun and Burgh of Greenlaw is ordained to be the head Burgh of the said Regality in all time comeing and is thereby Erected in a free Burgh of Regality And all Proclamations Denunciations and Executions of Hornings Inhibitions Appriſeings Publications and Interdictions Breives and others within the ſaid Regality are ordained to be Execute at the mercat croſs of the ſaid Burgh and all ſervices of Breives Regiſtrations of Horpings Inhibitions Publications and Interdictions and others within the ſamen Regality are ordained to be done and performed at the ſaid Burgh as the principal and head Burgh of the said Regality in all time comeing And her Majeſty does thereby Give and Commit to the ſaid Earl dureing his life and after his decease to his said son and the heirs above specified of Electing and Nameing yearly Magiſtrats Clerks Serjands Officers and other members neceſsary for government of the ſaid Burgh And of makeing and creating within the ſame free Burgeſses with power to ſell buy and trade in wine wax salt cloath and all other merchandice and commodities whatſoever and of haveing there all sorts of mechanicks and tradesmen and of keeping two new yearly fairs one upon the first Thursday of June and the other

on the laſt Thursday of October each of them to continue two dayes With the tolls cuſtomes priviledges and immunities thereof beſides the other two fairs formerly allowed to be holden there And her Majeſty does furder by the ſaid Charter Decern and Ordain the Caſtle of Reidbraes to be the principal Meſsuage of the Barony of Reidbraes and one Saſine to be taken thereat by delivery of earth and ſtone to be ſufficient for the ſaid haill Barony and one Seaſine ſo to be taken at the mercat croſs of the Toun of Polworth to be ſufficient for the ſaid haill Burgh and Barony of Polworth and one Seaſine ſo to be taken at the ſaid Caſtle of Greenlaw to be ſufficient for the ſaid haill Barony of Greenlaw and the ſaid huſband land lying in the ſaid territory of Beinſtoun and for the ſaid Lands of Rowanſtoun with the pertinents Which huſband Land in Beinſtoun and lands of Rowanſtoun with the pertinents are thereby united and annexed to the ſaid Barony of Greenlaw for ever And ane Seaſine to be taken at the mercat croſs of Greenlaw to be good and ſufficient for the ſaid haill Regality comprehending the haill Lands Baronies teinds mills mill lands rights of patronage office of Bailliary of the ſaid Regality With all and ſundry priviledges pertaining thereto notwithſtanding the ſame ly diſcontigue Which haill Lands Baronies teinds mills mill lands rights of patronage and others particularly abovewritten all lying and designed in manner above expreſsed and all now United and Erected in an haill and free Regality called the Barony of Marchmont are by the ſaid Charter of new Given and Disponed to the ſaid Patrick Earl of Marchmont in liferent and to the ſaid Patrick Lord Polwarth and their foresaids under and with the proviſions and conditions above expreſsed heretably and irredeemably To be Holden of her Majeſtie and her ſucceſsors in fee and heretadge for ever For yearly payment of taxtward blench and few duties respective mentioned in the ſaid Charter And her Majeſty with advice and conſent of the ſaid Estates of Parliament Ratifies Approves and perpetually Confirms the precept of Seasine contained in the ſaid Charter and the Inſtrument of Seasine following or competent to follow thereon in the haill heads articles and clauſes of the ſaid Charter Precept and Seaſine after the form and tenor thereof And Wills and Grants and for her Majeſty and her Royal ſucceſsors Statutes and Ordains that the ſame ſhall be conform to the tenors of the same good valid and ſufficient rights to the said Patrick Earl of Marchmont and Patrick Lord Polwarth and their foresaids for bruicking and enjoying in all time comeing without ſtop or impediment the foreſaid new erected Regality comprehending the particular Lands Baronies & others abovementioned in liferent and fie as is above expreſsed And Declares that the samen Charter Precept and Seaſine ſhall never in time comeing be quarrelled by her Majeſty or her ſucceſsors And that this preſent Ratification is and ſhall be of as great force ſtrength and effect to all intents as if every word of the foresaid Charter and Precept and Seaſine hereby ratified were insert herein With the not inserting whereof and with all other objections and imperfections that may be alleadged againſt the ſame or this preſent Ratification of the same Her Majeſty with Consent foresaid Dispensed and hereby Dispenses for ever.

THE Act for the imposition on all forreign ſhips read the ſecond time And after ſeveral Amendments made thereon It was put to the vote Approve or Not and carried Approve and Touched with the ſcepter by her Majeſties high Commiſsioner in the uſual manner, Of which Act the tenor follows.

ACT for an Imposition on Forreign Ships that come into this Kingdom, for bearing the charges of finiſhing the Maps and deſcription of the Sea coaſts and Isles, &c.

OUR SOVEREIGN LADY with advice and 9
consent of the Eſtates of Parliament Statutes and Ordains That as a fund for Compleating the Sea and Land Maps and other ends aftermentioned Twelve ſhilling Scots be exacted for ilk voyage of every tun of all ſhips and veſsells not belonging to perſons reſideing in Scotland that ſhall come in to any port or road within this Kingdom and ſhall there load unload or break bulk above one hundred pounds Scots value for proviſions to be payed in to the Collectors of her Majeſties Cuſtomes and applyed at the ſight of the Lords of Theſaury for paying ſuch ſums as ſhall be found reſting to John Adair Geographer for ſuch maps as are already compleated and for defraying his expences and for his pains in finiſhing the maps and deſcriptions of the haill ſea coaſt and iſlands of this Kingdome and then for finiſhing the land maps in the first place And for paying of the yearly Sallary of Twelve hundred pounds due to the Judge of the Admiralty in the ſecond place and the ſuperplus (if any be) to the payment of One thouſand eight hundred pounds yearly to Mr Alexander Cunninghame Profeſsor of the Civil Law and to Captain John Slezer for the ends mentioned in the eighteenth Act ſeventh Seſsion of King Williams Parliament entituled An Act anent the Tunnage And in the laſt place to Mr Alexander Niſbet to enable him to publiſh his Treatiſe of Herauldry And her Majesty with advice and conſent foreſaid Ordains this Impoſition to Commence from the first of September this preſent year and to endure and be uplifted for the space of five years thereafter by the Collectors of her Majeſties cuſtomes at the ſeveral ports for the space foreſaid, who with their Cautioners are

hereby Declared lyable for the ſaid impoſition in ſo far as the same shall not be faithfully and punctually uplifted and payed in by them And moreover Ordains the said Collectors & their deputes to enter the names of the Maſters ſhips and burden in the report books of the ſeveral Cuſtome offices and Give the said John Adair ſubscribed liſts thereof as the ground of their charge every year And appoints the same Execution againſt all perſons lyable in payment as is uſual for the Queens cuſtomes And finally Her Majeſty with advice and conſent foreſaid Grants full Power and Warrand to the Lords Commiſsioners of her Majeſties Theſaury to Let in tack the foreſaid duty of tunnage at any time dureing the space foresaid With power to the Tackſmen to appoint Collectors of their own nameing or to make uſe of the Collectors of the cuſtomes as they ſhall think fit The ſaid Collectors and their Cautioners being alwayes bound as above.

Remit to the Commiſsion concerning John Smiths complaint againſt the General Muſter Maſter

THE Parliament haveing heard the Report of the Commiſsion to whom it was Remitted to inquire further into the complaint given in by John Smith against the General Muſter Maſter and they being both present John Smith Craved that John Forbes agent to Colonel Hills Regiment then in the garriſon of Inuerlochie might be examined on the interrogators given in by him Who being called was examined; And thereafter the further inquiry in this whole affair both in that regiment and all the other regiments ſince the time the General Muſter maſter got his Commiſsion and all the muſter maſters deputes and agents for the regiments since the Revolution Remitted to the Commiſsion With power to them to call and examine Witneſses and likewayes to call for papers writs and documents for clearing this whole matter and to report next Seſsion of Parliament.

Remit in favors of Lieutenent Smith & Cornet HenryMontgomery.

PETITIONS Lieutenent James Smith in the Garriſon of the Caſtle of Edinburgh and Cornet Henry Montgomery who ſerved in the late Earl of Eglintouns troop of light horſe, Craveing arrears due to them Read and Remitted to the Commiſsion.

[Public funds]

ACT anent the misapplying the publick funds read, and a first reading ordered to be marked thereon and to be printed.

[Arming the Country]

ACT for arming the Country read, and a first reading ordered to be marked thereon and to be printed.

[The Plot]

THE Parliament proceeded to take the affair of the Plot into conſideration; It was moved that since there is no ſufficient documents but only copies of papers produced, Her Majeſty be addreſsed to ſend to the next Seſsion of Parliament the principal papers relating thereto And it was Reſolved nemine contradicente That there be a draught of an Addreſs brought in from the Parliament to the Queen to lay before the next Seſsion of Parliament all the principal papers relating to the Plot and to ſend the evidences persons and witneſses to appear at the next Seſsion of Parliament.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XXVIII, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED That the Two Captain Drummonds have preference for their arrears as is contained in the Minuts of the date the twenty third inſtant. [Captains Drummond]

THE Addreſs to be ſent to her Majeſtie read And after ſeveral amendments made thereon It was put to the vote Approve or Not and carried Approve, Of which Addreſs the tenor follows.

May it please your Majestie

Addreſs by the Parliament to Her Majeſty

WE your Majesties most loyal and faithful Subjects, the Noblemen Barons and Burgeſses conveened in Parliament humbly represent to your Majeſty our great disappointment in not haveing the originall papers concerning what was called in England by the House of Peers The Scotish Conspiracie laid before us and the persons who were Examined in that matter sent hither for which there was application made in the beginning of this Seſsion, We therefore in all humble duty lay before your Majesty the concern of the whole Nation in this affair, In which the intermedleing of the House of Lords haveing been declared by a reſolve in this Seſsion to be an incroachment upon the independence of this Nation and your Majesties prerogative as Queen of Scotland We make it our most humble request to your Majesty That you will in your great wiſdom take ſuch measures as may effectually prevent all ſuch like medlings for the future.

WE also take leave to offer to your Majestie as our opinion that nothing can obstruct more our comeing into the meaſures that have been recommended by your Majeſty in relation to the ſuc-

ceſsion than the House of Lords their proceeding to make any more encroachments of that nature.

THEREFORE We do humbly intreat your Majesty That all the persons and papers relating to that affair that have been examined in England concerning this Plot may be ſent hither at the meeting of the next Seſsion of Parliament that this matter may be examined to the bottom And those who are unjustly accused may have right done them And those who are guilty puniſhed according to their demerits.

Subscribed in presence By warrand and in name of the Estates of Parliament By
May it please your Majestie
Your Majesties most humble most obedient and most faithful Subject and Servant
Sic subscribitur SEAFIELD Cancellar.
Edinburgh I. P. D. P.
August 28th, 1704.

AFTER which Her Majesties high Commiſsioner made a speech to the Parliament as follows.

The Commiſsioners Speech

My Lords and Gentlemen
YOU have now sit long, and I think you cannot Complain that you have been cut ſhort by frequent Adjournments or ſhort Sederunts. In this time more might have been done, However some good laws are past and one in particular which gives sufficient evidence of the disposition her Majesty was in to have gratified you in whatever was reaſonable. I advertised you lately that you had not much longer time to sit, and tho I cannot but say the time you have had since has been usefully imployed, Yet if more dispatch had been made some of those good laws which are before you might have paſt. But now I must tell you that I am not allowed to give you any more time, her Majestie thinking a short Receſs neceſsary at present; So it will not be long before you have an opportunity of doing what ſtill remains fit to be done, for I can aſsure you no disappointment that Her Majesty hath met with, will in the least alter her gracious disposition towards this Her ancient Kingdom.

Adjournment

THE Lord Chancellour By order of her Majesties high Commissioner Adjourned the Parliament till the seventh day of October next.

Apud Edinburgh,

XXVIII DIE JUNII, A. D. M,DCC,V

THE LAWS and ACTS made in the THIRD SESSION of the FIRST PARLIAMENT of Our most High and dread Sovereign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the twenty eight day of June One thousand ſeven hundreth and five years, By His Grace John Duke of Argyll, Marqueſs of Kintyre and Lorn, Earl of Campbell and Cowall, Viscount of Lochow and Glenyla, Lord Inverary, Mull, Morvern, and Tirie, Heretable Juſtice General within the ſhire of Argyll Isles and others, Heretable Sherif and Lord high Lieutenent of the said shire Her Majesties heretable great Master-household in the Kingdom of Scotland, One of the Lords of her Majesties most honourable Privy Councill, An extraordinary Lord of the Seſsion, Briggadeer General and Captain of her Majesties Life-guards of horse, Briggadeer General and Colloneł of a Regiment of Fuzileers in the service of their high Mightineſses the States General, and Knight of the most ancient and most noble order of the Thistle, Her Majesties high Commiſsioner for holding the ſame, By vertue of a Commiſsion under the great ſeal of this Kingdom

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOUR

Lord Archbald Campbell as Lord High Thesaurer

The Duke of Queensberry Lord Keeper of the Privy Seal.

DUKES of
Hamilton
Atholl

MARQUESSES of
Annandale Secretary
Montrose
Tweeddale
Lothian

EARLS of
Loudoun Secretary
Crauford
Errol
Marischall
Sutherland
Mar
Rotheſs
Mortoun
Buchan
Glencairn
Eglintoun
Home
Wigtoun
Strathmore
Roxburgh
Kellie
Hadinton
Galloway
Lauderdale
Weyms
Dalhouſsie
Findlater
Leven
Selkirk
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Aberdeen
Dunmore
Melvill
Ruglen
March
Marchmont
Hyndfoord
Cromarty
Stair
Roseberry
Glasgow Thes' dep'
Bute
Hopetoun

VISCOUNTS of
Stormont
Duplin
Garnock
Primrose

LORDS
Forbes
Saltoun
Semple
Elphinston
Roſs
Torphichen
Lundoirs
Balmerinoch
Blantyre
Cranstoun
Burghleigh
Forrester
Pitsligo
Fraser
Bargany
Elibank
Belhaven
Rollo
Colvill
Bellenden
Kinnaird

LESSER OFFICERS OF STATE.
The Lords Register
Advocat
Justice Clerk

COMMISSIONERS FOR THE BARONS OF THE SEVERAL SHIRES

Edinburgh
Robert Dundaſs of Arniestoun
Sir Robert Dickson of Inveresk
George Lockhart of Carnwath
Sir James Foulis of Colingtoun

Haddingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirletoun
John Cockburn younger of Ormistoun

Berwick
Sir Robert Sinclair of Longformacus
Sir John Home of Blackadder.
Sir John Swintoun of that Ilk
Sir Patrick Home of Rentoun

Roxburgh
Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglaſs of Cavers
William Bennet of Grubbet

Selkirk
M' John Murray of Bowhill
M' John Pringle of Haining

Peebles
William Morison of Prestongrange
Alexander Horseburgh of that Ilk

Lanerk
William Baillie of Lamingtoun
George Baillie of Jerveswood
John Sinclair younger of Stevenstoun
James Hamilton of Aikenhead

Dumfreis
Sir John Johnstoun of Westerhall
William Douglaſs of Dornock
John Sharp of Hoddam
M' Alexander Ferguson of Isle

Wigtoun
Mr William Stuart of Castlestuart
Mr John Stuart of Sorbie
Air
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
Sir Hugh Cathcart of Carletoun
John Birsbain younger of Biſhoptoun
Dumbartan
Mr William Cochran of Kilmaronock
Sir Humphray Colquhoun of Luſs
Bute
Mr Robert Stuart of Tillicultry
John Stuart of Kinquinlick
Renfrew
Sir John Houstoun of that Ilk
Sir Robert Pollock of that Ilk
Stirling
John Grahame of Killearn
James Grahame of Buchlivie
Robert Rollo of Powhouse
Linlithgow
Thomas Sharp of Houstoun
Mr John Montgomery of Wrae
Perth
John Haldan of Gleneagles
Sir Patrick Murray of Ochtertyre
Mungo Grahame of Gorthie
John Murray of Strowan
Kincardin
Sir Thomas Burnet of Leyes
Sir David Ramsay of Balmain
Aberdeen
Alexander Gordon of Pitlurg
John Udny of that Ilk
William Seton younger of Pitmedden
James Moir of Stoniewood
Inverneſs
Ludovick Grant of that Ilk
Alexander Grant younger of that Ilk
Nairn
Hugh Roſe of Kilravock
John Forbes of Culloden
Cromarty
Sir Kenneth Mackenzie
Mr Æneas Mackleod of Cadbole
Argyll
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Fyfe
Sir William Anstruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboug
Robert Douglaſs of Strahendry
Forfar
Mr Patrick Lyon of Auchterhouse
Mr James Carnegy of Finhaven
James Halyburton of Pitcurr
David Grahame younger of Fintrie
Bamf
James Ogilvie younger of Boynd
Alexander Duff of Bracoe
Stewartry of Kirkcudbright
William Maxwell of Cardineſs
Alexander Mackie of Palgoun
Sutherland
Alexander Gordon of Gairthie
Caithneſs
Sir George Sinclair of Clyth
James Sinclair of Stemster
Elgin
Sir Henry Innes younger of that Ilk
Stewartry of Orkney
Sir Archbald Steuart of Burray
Alexander Douglaſs of Egilshay
Clackmannan
Mr Alexander Abercrombie of Tullibody
Roſs
Kenneth Mackenzie of Scatwall
Mr George Mackenzie of Inchculter
Kinroſs
John Bruce of Kinroſs

COMMISSIONERS FOR THE ROYAL BURGHS

Edinburgh	Sir Patrick Johnstoun Robert Inglis
Perth	Alexander Robertson
Dundee	John Scrimsour
Aberdeen	John Allardice
Stirling	Lieutenent Collonel John Erskine
Linlithgow	Walter Steuart
Saint Andrews	Alexander Watson
Glasgow	Hugh Montgomery
Air	John Muir
Haddingtoun	Alexander Edgar
Dysart	John Black
Kirkcaldie	James Oswald
Montrose	James Scot
Coupar	Patrick Bruce
Anstruther Easter	Sir John Anstruther
Dumfreis	Robert Johnstoun
Inverneſs	Alexander Duff
Bruntisland	Sir John Areskine
Inverkeithing	James Spittle
Kinghorn	Mr James Melvill
Brichen	Francis Molison
Irving	George Monro
Jedburgh	Walter Scot
Kirkcudbright	Sir Andrew Home
Wigtoun	William Coltrane
Dumfermling	Sir Peter Halket
Pittenweem	George Smith
Selkirk	Robert Scot
Dumbartan	Sir James Smollet
Renfrew	Colin Campbell

Dunbar	Robert Kellie
Lanerk	Mr William Carmichael
Aberbrothock	John Hutchison
Elgin	Mr William Sutherland
Peebles	Archbald Shiells
Crailt	George Moncrief
Tayne	Captain Daniel Mackleod
Culroſs	Sir David Dalrymple
Bamf	Sir Alexander Ogilvie
Whitehorne	Mr John Clerk
Forfar	Mr John Lyon
Rothesay	Mr Dugald Steuart
Nairn	John Roſe
Forres	George Broddie
Rutherglen	George Spens
Northberwick	Sir Hugh Dalrymple
Anstruther Wester	Sir Robert Anstruther
Cullen	Mr Patrick Ogilvie
Lauder	Sir David Cunninghame
Kintoir	George Allardice
Annand	Mr William Johnstoun
Lochmebben	Mr John Carruthers
Sanquhar	William Alves
New Galloway	George Home
Kilreny	Mr James Bethun
Fortrose	Mr Roderick Mackenzie
Dingwall	John Bayne
Dornock	John Urquhart
Queensferry	Mr James Steuart
Inverary	Daniel Campbell
Inverury	Sir Robert Forbes
Weick	Mr Robert Fraser
Kirkwall	Mr Robert Douglaſs
Inverbervy	Mr Alexander Maitland
Stranrawer	Mr George Dalrymple
Campbeltoun	Mr Charles Campbell

PRAYERS said.

HER Majesties Commiſsion to John Duke of Argyll for representing her Royal person in this Seſsion of Parliament, read by the Lord Clerk Register and ordered to be recorded, Whereof the tenor follows.

Commiſsion to John Duke of Argyll for representing her Majesty in this Seſsion of Parliament

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos magni momenti rationibus currentis nostri Parliamenti hujus antiqui regni nostri Scotiæ comitia in tertia sua Seſsione [Edinburgi] tertio die mensis Maii proxime futuri conventura hactenus Statuimus, Rebus autem nostris neceſsario Nos avocantibus dictæ nostri Parliamenti Seſsioni intereſse nequimus Ideoq; Commiſsionem nostram cuidam eminentiſsimi ordinis summæq; fiduciæ et præclaris animi dotibus imbuto, regiam nostram personam et authoritatem in eadem representandi concedere decrevimus Cumq; quamplurima habeamus indicia de fidelitate intaminata egregiis animi dotibus et integritate fideliſsimi et dilectiſsimi nostri consanguinei et conciliarii Joannis Ducis de Argyll cujus egregiæ animi dotes ad fummum illud fiduciæ munus rite obeundum ac pia nostra Regia proposita propaganda tam in promovendo commodo et intereſse dicti nostri antiqui Regni et in Ecclesia et in republica quam ministerio nostro ipſum usquequaq; idoneum et instructum reddant Noveritis Igitur Nos Dediſse et Conceſsiſse tenoreq; præsentium Damus et Concedimus prædicto fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Joanni Duci de Argyll &c. nostram pleniſsimam potestatem et commiſsionem ſacram nostram personam repreſentandi et regiam noſtram authoritatem in dicta proxima Seſsione prædicti currentis Parliamenti nostri dicti Regni [nostri] gerendi et in re quavis alia ubicunq; de Ecclesia firmanda pace et politia dicti Regni nostri conservanda et excolenda et re noſtra promovenda tractandum fuerit in universis ejusdem administrationibus tanquam supremo nostro Commiſsionario, Porro tenore præsentium eundem Joannem Ducem de Argyll cum Commiſsionarii nostri titulo, regali nostra authoritate Insignimus plenamq; illi tribuimus potestatem omnia et ſingula ad munus et imperium Commiſsionarii spectantia tam plene et libere in quovis respectu et conditione quam quilibet alius ejusdem summi muneris et characteris (regnantibus quibuscunq; nostrorum deceſsorum) unquam fecerat ſeu de jure facere potuerat faciendi, Quæquidem omnia et singula in dicta hac commiſsione prosequenda ab ipso facienda Nos firma et rata habemus et habituræ ſumus Omnibus et singulis Insuper Status nostri officialibus iisq; qui nobis ab intimis Conciliis Judicibus Legatis et officiariis nostrarum in hoc regno copiarum cæterisq; quibuscunq; subditis nostris ut prædictum Joannem Ducem de Argyll tanquam supremum nostrum Commiſsionarium ſacram nostram personam representantem et regalem nostram authoritatem gerentem ad effectum et ſecundum normam in hac noſtra Commiſsione præscriptam (Quæquidem Commiſsio ad datam præsentium incipiet et durante dicta proxima Seſsione Parliamenti et donec eadem a nobis revocabitur in vigore durabit) agnoscant revereantur et ipsi audientes ſe præbeant stricte Mandamus et Imperamus Et Declaramus hanc nostram Commiſsionem absq; prejudicio fore præfato Joanni Duci de Argyll cujusvis alius Diplomatis seu Commiſsionis de quocunq; alio munere ipsi a nobis concredito Sed eadem durante hac noſtra Commiſsione ac etiam post ipsius expirationem durante nostro beneplacito in pleno vigore continuare modo in ſingulis diplomatibus et Commiſsionibus ipsi conceſsis content In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi mandavimus Apud aulam nostram de Saint James's ſexto die mensis Martii anno

Domini millesimo ſeptingentesimo quinto et anno regni nostri tertio. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great seal and registrat the fourteenth day of March I^m vij^c and five, Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the ſixteenth day of March One thousand ſeven hundreth and five years In absence of Sir Alexander Ogilvie of Forglen, Sic ſubscribitur Jo: Stewart dep^t.

ROLLS called.

Protestations for precedencie

THE Earl of Forfar Protested in name of the Duke of Douglaſs that the calling of any other in the rolls of Parliament may not prejudge him of his first vote in Parliament.

THE Earl of Forfar also Protested in name of the Earl of Sutherland against the calling of any Earl before him.

THE Earl of Mar protested against the calling of any Earl before him.

THE Earl of Findlater Protested against the calling of the Earl of Airlie before him.

HER Majesties Gift and Commiſsion in favors of James Earl of Seafield to be Lord high Chancellour read and ordered to be recorded, And then the Lord Clerk Regiſter adminiſtrat the oath of alleadgeance to him who sware the same and signed it with the aſsureance, and took the oath of Parliament: The tenor of his foresaid Commiſsion follows.

Commiſsion and Gift of the office of Chancellour to the Earl of Seafield

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos intelligentes quantum ministerii nostri commodo intersit ſummæ illud fiduciæ munus et officium Cancellarii nostri antiqui regni nostri Scotiæ unico cuidam fidelitate intaminata integritate et eximiis animi dotibus imbuto committere Cumq, plurima habeamus teſtimonia de fidelitate præclaris animi dotibus et integritate fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi Comitis de Seafield tam in ejusdem ſummi muneris priori ſua functione quam aliorum magnæ fiduciæ munerum et officiorum in prædicto Regno Noveritis igitur Nos Nominaſse Feciſse Constituiſse et Ordinaſse tenoreq, præsentium Nominamus Facimus Constituimus et Ordinamus eundem fideliſsimum et dilectiſsimum nostrum consanguineum et conciliarium Jacobum Comitem de Seafield (durante nostro beneplacito ſolummodo) supremi antiqui dicti Regni Cancellarium et ſolum et principalem magni nostri ſigilli ejusdem regni Custodem Damus pariter Concedimus et Disponimus illi (durante spatio antedicto) idem munus et officium cum universis honoribus dignitatibus præcedentiis privilegiis feodis et pensione per quemlibet ex ejus in dicto officio anteceſsoribus potitis et gavisis sive quæ de lege et consuetudine eo juste spectare dignoscuntur Et ſpeciatim cum plenaria potestate et privilegio præsidendi in omnibus Parliamentis Ordinum Conventibus Curiis aliisq, omnibus Conventibus per Nos statutis vel ſtatuendis quibus dictus noſter ſupremus Cancellarius intererit, excepto omnimodo Scacario nostro præsente Thesaurario nostro Principali. Omnibus pariter ſubditis nostris mandamus et imperamus ut memoratum Jacobum Comitem de Seafield tanquam ſupremum nostrum antedicti Regni Cancellarium omni quo par est honore et respectu ſummo illo officio et muneri debito agnoscant, prosequantur et revereantur, Secretioris etiam nostri Concilii dicti Regni Dominos Requirimus iisq, authoritatem tribuimus ut juramentum ejus de fideli administratione in dicto munere et officio exigant Utq, itidem juramenta fidelitatis et ſecuritatis aliaq, juramenta per Leges ſtatuta ipſum dicere et ſubscribere efficiant In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi mandavimus Apud aulam noſtram de Saint Jamess nono die mensis Martii anno Domini millesimo septingentesimo quinto, Et anno regni nostri tertio. Per ſignaturam manu S. D. N. Reginæ ſuprascriptam. Written to the great seal and registrate the fourteenth day of March 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the fourteenth day of March one thouſand ſeven hundreth and five years, Sic ſubscribitur Jo: Dickson.

HER Majesties Gift and Commiſsion in favors of Sir James Murray of Philiphaugh to be Lord Clerk Register, read and ordered to be recorded, Whereof the tenor follows.

Commiſsion and Gift of the office of Clerk Register to Sir James Murray of Philiphaugh

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nobis abunde ſatisfactum ſit tam de fidelitate et præclaris animi dotibus quam de sincera integritate fideliſsimi et dilectiſsimi nostri Domini Jacobi Murray de Philiphaugh speciatim vero quod ad munus et officium registrorum et rotulorum nostrorum Clerici in dicto regno nostro obeundum apprime eſt instructus Noveritis igitur Nos Nominaſse Constituiſse et Ordinaſse sicuti tenore præsentium Nominamus Constituimus et Ordinamus dictum Dominum Jacobum Murray durante nostro beneplacito ſolummodo nostrorum registrorum et rotulorum nostri Concilii Seſsionis et Scaccarii nec non omnium Commiſsionum Parliamentorum et Ordinum Conventuum in dicto nostro regno Clericum Dando

et Concedendo illi idem munus et officium durante spatio antedicto cum omnibus honoribus dignitatibus libertatibus proficuis immunitatibus privilegiis et casualitatibus quibuscunq, eo ſpectantibus vel quæ de jure et praxi dicti nostri regni eo spectare dignoscentur, Cum plena et absoluta potestate et authoritate illi durante nostro beneplacito ut dictum est Eligendi et Constituendi Clericos Substitutos vel deputatos unum seu plures in dictis officiis ſeu quavis ejusdem parte idq, ad vitam talium ſubstitutorum qui eorum officiis cum omnibus eorund emolumentis durañ omnibus eorum vitæ diebus respective potientur Ordinamus deniq, et authoritatem ipsi tribuimus omnia et singula facere et præstare de lege et praxi hujus nostri regni dicto officio competentia vel perprius a quovis alio in dicto officio præstita In cujus rei Testimonium præsentibus magnum ſigillum nostrum appendi mandavimus Apud aulam nostram de Saint Jamess Septimo die mensis Aprilis anno Domini millesimo septingentesimo quinto, Et anno regni nostri quarto. Per signaturam manu S. D. N. Reginæ ſuprascript. Written to the great seal and registrat the twenty fifth day of April 1705. Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the twenty fifth day of April One thousand ſeven hundreth and five years. Sic ſubscribitur Alexr Ogilvie.

THEREAFTER The Lord High Chancellour Administrat the oath of alleadgeance to him the ſaid Sir James Murray who ſware, and ſubscribed the ſame with the aſsureance and took the oath of Parliament.

HER Majesties Gift and Commiſsion in favors of William Marqueſs of Annandale to be one of the Principal Secretaries of State read, and ordered to be recorded, Whereof the tenor follows.

Commiſsion & Gift of the office of one of the Secretaries of State to the Marqueſs of Annandale

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus status nostri Secretariis antiqui regni nostri Scotiæ nunc vacare per promotionem fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi Comitis de Seafield ad officium supremi Cancellarii prædicti Regni nostri Et nihil magis in ministerii nostri et regnorum nostrorum commodum conducere poſse quam ut viri probatæ fidelitatis et integritatis principales nostræ Coronæ ministri speciatim vero ſtatus nostri Secretarii constituantur quibus specialem habere poterimus fidem tam quoad authoritatem nostram quam ſubditorum commodum Nosq, etiam abunde satisfactæ de præclaris animi dotibus probitate aliisq, perpulchris facultatibus fideliſsimi et prædilecti nostri Consanguinei et Conciliarii Guilelmi Marchionis de Annandale quibus ad munus et officium unius ex duobus principalibus ſtatus nostri ſecretariis prædict usquequaq, eſt instructus Ob prædictas itaq, et multas alias magni momenti rationes et considerationes Noveritis Nos Nominaſse Constituiſse et Ordinaſse sicuti tenore præsentium Nominamus Constituimus et Ordinamus eundem Gulielmum Marchionem de Annandale unum ex duobus principalibus status Secretariis nobis pro dicto regno Scotiæ durante nostro beneplacito solummodo coprincipalem et conjunctum cum fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Joanne Comite de Roxburgh altero pro dicto Regno ſtatus Secretario Dando et Concedendo sicuti tenore præsentium Damus et Concedimus prædicto Gulielmo Marchioni de Annandale locum officium et munus unius ex duobus principalibus conjunctis ſtatus nostri ſecretariis prædictis cum justo et equali dimidio omnium honorariorum emolumentorum beneficiorum casualitatum dignitatum et immunitatum quæ ad dictum munus et officium perprius pertinebant ſeu pertinere et spectare poterant Una cum annua pensione mille librarum monetæ Sterlinensis ſecundum donationem ejusdem per nos ipsi conceſsam datam cum presentibus Cum plena poteſtate illi utendi et exercendi dictum munus et officium durante spatio antedicto Et specialiter scribendi ſubscribendi et nobis offerendi omnes donationes cautiones et ſignaturas quascunq, regali nostra manu muniendas Et levandi et recipiendi justum et equale dimidium omnium honorariorum præmiorum et casualitatum eo spectañ atq, etiam equalem habendi potestatem et privilegium cum dicto Joanne Comite de Roxburgh altero nostro ſtatus Secretario pro dicto Regno recipiendi interponendi et conservandi omnia signeta dicti Regni et equale beneficiorum et emolumentorum inde provenieñ dimidium, in privatos ſuos uſus et commodum applicare Atq, etiam poteſtatem constituendi deputatos et dictorum nostrorum ſignetorum cuſtodes et omnes Clericos et ſigneto noſtro ſcribas admittendi et recipiendi Cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine ipsis Commiſsiones tribuendi quibus dictis muneribus ad vitam frui et fungi poſsint Idq, quoties contigerit dicta munia quocunq, caſu eſse vacua Et compositionum et commodorum dimidium ex admiſsione dictorum Clericorum provenieñ Recipiendi ac idem ad privatos accomodandi uſus In cujus rei testimonium præſentibus magnum ſigillum nostrum appendi mandavimus Apud aulam nostram de Saint Jamess nono die mensis Martii anno Domini millesimo septingentesimo quinto et anno regni noſtri tertio. Per Signaturam manu S. D. N. Reginæ ſuprascriptam.. Written to the Great Seal and registrat the ſixteenth day of March 1705, Sic ſubscribitur Charles Kerr, Sealed at Edinburgh the ſixteenth day of March Imo vijo and five years in absence of Sir Alexander Ogilvie of Forglen, Sic ſubscribitur Jo: Steuart Depe.

HER Majesties Gift and Commiſsion to Hugh Earl of Loudoun to be the other principal Secretary of State read, and ordered to be recorded Whereof the tenor follows.

Commiſsion and Gift of the office of one of the Secretaries of State to the Earl of Loudoun

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes nihil magis in ministerii nostri et regnorum nostrorum commodum conducere poſse quam ut probatæ fidelitatis et integritatis viri principales Coronæ noſtræ ministri speciatim vero ſtatus noſtri Secretarii constituantur Quibus specialem poterimus habere fidem tam quoad authoritatem nostram quam subditorum nostrorum commodum Nosq; etiam abunde ſatisfactæ et compertum habentes de fidelitate integritate aliisq; perpluribus facultatibus fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Hugonis Comitis de Loudoun Quibus ad munus et officium unius ex principalibus status nostri Secretariis prædictis obeundum usquequaq; ſit idoneus Ob prædictas itaq; et multas alias rationes et considerationes Noveritis Nos Nominaſse Constituiſse et Ordinaſse Sicuti Nos tenore præsentium Nominamus Constituimus et Ordinamus eundem Hugonem Comitem de Loudoun unum ex duobus ſtatus nostri Secretariis nobis pro antiquo nostro Regno Scotiæ durante noſtro beneplacito ſolummodo et donec præsentes a nobis ſcripto revocentur coprincipalem et conjunctum cum fideliſsimo et dilectiſsimo nostro Consanguineo et conciliario Gulielmo Marchione de Annandale altero pro dicto regno ſtatus Secretario Dando et Concedendo sicuti Nos tenore præsentium Damus et Concedimus durante spatio antedicto ipsi dicto Hugoni Comiti de Loudoun locum munus et officium unius ex duobus principalibus status nostri Secretariis antedictis cum justo et equali dimidio omnium feodorum proficuorum emolumentorum casualitatum libertatum et immunitatum quæ ad dictum munus locum et officium perprius pertinebant ſeu pertinere poterant Una cum annua pensione mille librarum monetæ Sterlinensis ſecundum donationem ejusdem per Nos ipsi conceſsam datam cum præsentibus Cum plena poteſtate illi utendi exercendi et fruendi dicto loco munere et officio Et specialiter scribendi ſubscribendi et nobis offerendi omnes donationes cautiones et signaturas quascunq; regali nostra manu muniendas Et interponendi et recipiendi justum et æquale dimidium omnium honorariorum præmiorum et caſualitatum eo spectantium atq; etiam æqualem habendi potestatem et privilegium cum dicto Gulielmo Marchione de Annandale altero nostro ſtatus Secretario pro dicto regno recipiendi interponendi et conservandi omnia signeta dicti Regni et æquale dimidium beneficiorum et emolumentorum inde provenientium in privatos ſuos usus applicandi ac etiam potestatem deputatos et custodes dictorum nostrorum Signetorum Constituendi et Admittendi, et Adsciſcendi omnes Clericos et Signeto nostro scribas cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto regno nostro Et eo nomine ipsis tribuendi Commiſsiones quibus muniti iis muneribus ad vitam fungi et frui poſsunt Idq; quoties contigerit dicta munia vel quodvis eorum quocunq; casu eſse vacua Et recipiendi compositionum et commodorum æquale dimidium ex admiſsione dictorum Clericorum provenientium ac ea ad privatas accommodandi uſus In cujus rei Testimonium præsentibus magnum Sigillum nostrum appendi præcepimus Apud aulam nostram de Kensingtoun quinto die menſis Junii anno Domini millesimo septingentesimo quinto et anno regni noſtri quarto. Per ſignaturam manu S. D. N. Reginæ ſuprascriptam. Written to the Great Seal and registrat the eleventh day of June 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the Eleventh day of June one thousand ſeven hundred and five years. Sic ſubscribitur Alex^r Ogilvie.

HER Majesties Gift and Commiſsion to David Earl of Glasgow to be Lord Thesaurer depute, read and ordered to be recorded, Whereof the tenor follows.

Commiſsion and Gift of the office of Thesaurer depute to the Earl of Glasgow

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; Defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos abunde satisfactæ sumus de integritate et eximiis animi dotibus fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Davidis Comitis de Glasgow unde pro munere et officio Thesaurarii nostri deputati antiqui Regni noſtri Scotiæ obeundo usquequaq; sit instructus Noveritis Igitur Nos Nominaſse Constituiſse et Ordinaſse Sicuti Nos tenore præsentium Nominamus Constituimus et Ordinamus eundem Davidem Comitem de Glasgow durante nostro beneplacito ſolummodo Thesaurarium nostrum Deputatum in officiis Thesaurarii nostri computorum rotulatoris Collectoris et novarum nostrarum augmentationum Thesaurarii et receptoris generalis dicti nostri antiqui regni Cum plenaria potestate illi dicto munere et officio durante spatio antedicto fruendi et exercendi Cum omnibus libertatibus honoribus privilegiis præeminentiis beneficiis et casualitatibus quibuscunq; eo spectantibus et pertinentibus tam plene et libere in omnibus respectibus et conditionibus quam quivis alii ejus predeceſsores in dicto officio functi et potiti ſunt ullove tempore præterito fungi et potiri poterant Speciatim vero absq; prejudicio generalitatis antedictæ locum et ſuffragium tanquam uni ex nostris ſtatus officiariis in omnibus nostris dicti regni Parliamentis generalibus Conciliis et Conventibus habendi, Ac Nos considerantes plenam potestatem et officium Thesaurarii nostri principalis nunc in

Commiſsionem Thesaurarii versam eſse expreſse igitur Declaramus et Ordinamus quod hæc præsens nostra donatio dicti officii Thesaurarii nostri deputati dictæ Commiſsioni nequaquam derogari quæquidem in plena potestate et vigore remanebit Et quod præfatus David Comes de Glasgow tanquam unus ex nostris Commiſsionariis nostri Thesaurarii exercebit Nominando Constituendo et Ordinando Sicuti per præsentes Nominamus Constituimus et Ordinamus eundem Davidem Comitem de Glasgow unum eſse ex dictis Thesaurarii Commiſsionariis in vicem nuperi nostri Thesaurarii deputati tam plenarie et libere ad omnes intentus et proposita ac si in dicta Commiſsione nominatus fuiſset Quodquidem etiam Declaramus ſibi tanquam Thesaurario deputato in quibusvis officiis et privilegiis eo spectantibus *nullo modo* prejudicari si in posterum durante *continuatione* præſentis nostræ Commiſsionis nominatus fuerit Thesaurarius principalis In cujus rei Testimonium præſentibus magnum ſigillum nostrum appendi mandavimus Apud aulam nostram de Kensingtoun quinto die mensis Junii anno Domini millesimo ſeptingentesimo quinto et anno regni nostri quarto. Per ſignaturam manu S. D. N. Reginæ ſuprascriptam. Written to the Great Seal and registrat the eleventh day of June 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the eleventh day of June One thousand ſeven hundreth and five years. Sic ſubſcribitur Alex^r Ogilvie.

THEREAFTER the said Earl of Glasgow Lord Thesaurer depute Sware the oath of alleadgeance, Signed the ſame with the Aſsureance, and took the oath of Parliament.

HER Majesties Gift and Commiſsion to Adam Cockburn of Ormistoun to be Lord Justice Clerk read, and ordered to be recorded, Whereof the tenor follows.

Commiſsion and Gift of the office of Justice Clerk in favors of Adam Cockburn of Ormistoun

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ noſtræ pervenerint Salutem Quandoquidem Nobis abunde ſatisfactum eſt de integritate et eximiis animi dotibus Adami Cockburn de Ormistoun unde pro munere loco et officio inframentionato *fungendis* usquequaq, sit idoneus Noveritis Igitur Nos Feciſse Nominaſse Constituiſse et Ordinaſse Sicuti Nos tenore præsentium Facimus Nominamus Constituimus et Ordinamus memoratum Adamum Cockburn de Ormistoun durante nostro beneplacito ſolummodo nostræ Juſticiariæ Clericum in nostro Regno Scotiæ Dando Concedendo et Disponendo dicto Adamo Cockburn durante spatio antedicto dictum munus et officium Justiciariæ Clerici cum universis honoribus privilegiis immunitatibus feodis proficuis et casualitatibus quibuscunq, eo spectantibus per eum tam plenarie et libere in quovis respectu et conditione gaudendis et poſsidendis quam quivis alii in dicto officio prædeceſsores eodem gavisi ſunt aut quovis tempore retroacto potiri potuerant In cujus rei Testimonium præsentibus magnum sigillum nostrum appendi mandavimus Apud aulam nostram de Saint Jamess Octavo die mensis Januarii anno Domini millesimo ſeptingentesimo quinto et anno regni nostri tertio Per ſignaturam manu S. D. N. Reginæ suprascriptam. Written to the great ſeal and registrat the twenty first day of January 1705. Sic ſubscribitur Charles Kerr. Sealed at Edinburgh

THEREAFTER The Lord Juſtice Clerk ſwore the oath of alleadgeance ſigned the ſame with the aſsureance and took the oath of Parliament.

Some new Members admitted

CHARLES Earl of Erroll Lord high Constable and David Earl of Weyms swore the oath of alleadgeance ſigned the ſame with the aſsureance, & took the oath of Parliament.

SIR David Ramsay of Balmain one of the Commiſsioners Elected for the shire of Kincardine in place of the deceaſed Sir James Falconer of Phesdoe swore the oath of alleadgeance subscribed the same with the aſsureance and took the oath of Parliament.

SIR Peter Halket Commiſsioner for the Burgh of Dumferling and Mr James Steuart Commiſsioner for the burgh of Queensferry swore the oath of alleadgeance ſubscribed the ſame with the aſsureance and took the oath of Parliament.

MOVED that there being two Commiſsions presented last Seſsion of Parliament from the Shire of Clackmannan one for Andrew Burnside of Hartshaw the other for Mr Alexander Abercrombie of Tullibodie, And Burnside being now dead, Tullibodie ſhould be admitted.

MOVED that seeing there was a Competition betwixt these two Commiſsions there be a competent time allowed to acquaint the Barons and freeholders of that ſhire for objecting against Tullibodies commiſsion if they think fit, and that before he be admitted, And after some debate It was put to the vote Admit or Delay and carried Admit; Tullibodie thereafter ſwore the oath of alleadgeance ſubscribed the same with the aſsureance and took the oath of Parliament.

HER Majesties Commiſsioner acquainted the Parliament that he had a Letter from her Majesty to them but in respect many of the members were not yet come to Toun he thought proper to delay

presenting the Letter till the Parliament were more fully aſsembled.

AFTER which the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

JULY III, M,DCC,V.

PRAYERS said Rolls called.

A LETTER from her Majesty to the Lord high Commiſsioner read, Appointing Lord Archbald Campbell brother german to his Grace to have the place and vote of the Lord high Theſaurer in this Seſsion of Parliament Of which Letter the tenor follows.

Letter from her Majesty appointing Lord Archbald Campbell to have place and vote of Lord high Theſaurer in this Seſsion of Parliament

Sic ſuprascribitur ANNE R.

RIGHT trusty and right intirely beloved Cousin and Councellor, We greet you well Whereas the office of Lord high Theſaurer is now in Commiſsion, And it being provided by the Laws of that our Kingdom That the number of our Officers of State who are to have vote and place in Parliament should not exceed the number of Eight even tho at any time there should be more persons imployed in the execution of the said offices And it being reaſonable that there ſhould be one named to appear and act in the enſueing Seſsion of Parliament as our Thesaurer aforesaid, Therefore We do Nominat and Appoint our right trusty and well beloved Lord Archbald Campbell Brother to the Duke of Argyll to have the place and vote of the Lord High Thesaurer in the ensueing Seſsion of Parliament So We bid you heartily farewell Given at our Court at St Jamess the ninth day of March 170$\frac{4}{5}$ And of our Reign the 4th year.

By Her Ma^{ts} Command

Sic ſubscribitur SEAFIELD.

Directed thus,

To Our Right Trusty and Right Entirely Beloved Cousin and Councillour John Duke of Argyle Our Commiſsioner to Our Parliament of Our ancient Kingdom of Scotland.

THE ſaid Lord Archbald Campbell did then swear the oath of alleadgeance, ſubscribe the ſame with the aſsureance, ſwore the oath of Parliament & thereafter took his place.

Some Members admitted

JAMES Black Commiſsioner Elected for the Burgh of Dysart in place of George Eaſson deceased ſwore the oath of alleadgeance ſubscribed the ſame with the aſsureance and ſwore the oath of Parliament.

MR Roderick Mackenzie of Preſtounhall Commiſsioner elected for the burgh of Fortrose in place of Mr John Mackenzie of Aſsint deceaſed ſwore the oath of alleadgeance ſubscribed the ſame with the aſsureance and ſwore the oath of Parliament.

MINUTS of the last Sederunt read.

MOVED that Alexander Mackie of Palgoun being admitted laſt Seſsion of Parliament but he haveing of consent declared that he would not vote till the competition betwixt him and Patrick Murdoch of Cumlodan ſhould be determined And ſeeing Cumlodan does not compear to compete he ought now to have his vote; After some debate It was agreed that he ſhould have his vote in Parliament.

THE double election of the Laird of Balnagoun and Mr George Mackenzie of Inchculter for the ſhire of Roſs appointed to be considered next meeting of Parliament.

HER Majesties Letter to the Parliament Preſented by her Majeſties high Commiſsioner and read by the Lord Clerk Register, Of which Letter the tenor follows.

Sic ſuprascribitur ANNE R.

My Lords and Gentlemen

Her Majesty, Letter to the Parliament

IT hath been our great care and concern ever since our Acceſsion to the Crown, to preserve the peace, and promote the true interest and advantadge of that our ancient Kingdom, and above all to have your present Establishment ſo secured, that both you and after ages may reap the benefite thereof.

YOU are now again met in Parliament and no doubt with a full view of all your present circumstances, which We heartily wish may be seconded with ſuch endeavours on your part as what may beſt accompliſh what We ſo really deſign.

IN your last meeting We recommended to you with the greateſt earnestneſs the ſetling of the ſucceſsion of that our ancient Kingdom in the Proteſtant Line And several things haveing since happened which shows the great inconveniency of this matters continueing in suspence We cannot but at present most seriously renew the recommendation of this ſettlement as being convinced of the growing neceſsity thereof, both for the preservation of the Protestant Religion and the peace and ſafety of all our dominions, And for defeating the designs and attempts of all our Enemies, And to prevent any objection to the ſaid ſettlement that can be ſuggested from the views or fears of future Inconveniences that may happen to that our Kingdom. From thence We ſhall be ready to give

the Royal Aſsent to ſuch Proviſions and Restrictions as shall be found neceſsary and reaſonable in ſuch a caſe: And therefore We must still leave it upon you as most neceſsary for all the ends above mentioned that you go to the Settlement of the Succeſsion before all other buſineſs.

WE are fully ſatisfied (and doubt not but you are) that great benefite would arise to all our Subjects, by an Union of Scotland and England, and that nothing will contribute more to the compoſeing of differences and extinguiſhing the heats, that are unhappily raiſed and fomented by the enemies of both Nations than the promoteing of every thing that tends to the procureing the same Therefore We earnestly Recommend to you to paſs an Act for a Commiſsion to set a treaty on foot between the Kingdoms, as our Parliament of England has done for effectuating what is so desireable and for ſuch other matters and things as may be judged proper for our honour and the good and advantage of both Kingdoms for ever In which We shall most heartily give our best aſsistance.

THE Supplies granted by the Parliament for maintaining the Forces with the Forts Garriſons and Frigots are now at an end, and these being ſtill neceſsary to be maintained, as likewayes that the Magazines of arms and ammunition be duely furniſhed for the peace and ſecurity of the Kingdom specially now in time of warr We doubt not but you will provide the supplies needfull in such manner as may be most eaſie and effectual.

WE have named the Duke of Argyle to be our Commiſsioner to represent Our Person in this Seſsion of Parliament, as one of whose capacity and zeal for our ſervice and the Kingdoms good and advantadge We are ſufficiently aſsured and no leſs hopefull that he will be to you acceptable, We have fully impowered him to declare our firm resolutions to maintain the Government both in Church and State as by Law eſtabliſhed and likewayes to conſent to ſuch further Laws as shall be thought needfull for that end.

WE have alſo impowered him to give the Royall Aſsent to ſuch good Laws as shall be concluded for the advancement of piety and discouragement of Immorality for the better encourageing and improveing of Trade and Manufacture The farther ſecureing of private rights and conveyances and for promoteing the more easie & speedy administration of Juſtice and generally for what may be found for the good and advantadge of the Kingdom In all which and whatever else may contribute to the happineſs and ſatisfaction of our People you ſhall have our ready and cheerful concurrence And ſo we bid you heartily farewell Given at our Court at Windsor Caſtle the 18th day of June 1705, and of our Reign the fourth year.

By her Majesties Command
Sic subscribitur DAVID NAIRNE.

The foresaid Letter is directed thus,
To the Noblemen, and to the Barons Commiſsioners for Shires, and to the Commiſsioners for Burghs Aſsembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties Commiſsioner made his Speech to the Parliament, As alſo the Lord Chancellour made his Speech to the Parliament.

MOVED by the Marqueſs of Annandale that her Majesties Letter to the Parliament with the Commiſsioners and Lord Chancellours Speeches to the Parliament be printed. [The Queens Letter, the Lord Commiſsioner & Lord Chancellors Speeches to be printed]

ORDERED that her Mats Letter with the Lord Commiſsioners and the Lord Chancellours Speeches to the Parliament be printed.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock before noon.

JULY VI, M,DCC,V.

PRAYERS said Rolls called.

WILLIAM Earl of Kilmarnock swore the oath of alleadgeance ſubscribed the same with the aſsureance and ſwore the oath of Parliament. E. Kilmarnock admitted

MINUTS of the last Sederunt read.

THE objections against Palgouns commiſsion appointed to be diſcuſsed next meeting of Parliament.

THE contraverted election of the ſhire of Roſs betwixt Balnagoun and George Mackenzie of Inchculter called, and their procurators being heard upon the objections against the president of the meeting as a nullity of the election The Parliament haveing considered the debate It was put to the vote Suſtain or Repell the objection and carried Repell, After which Balnagoun withdrew his Commiſsion and Inchculter being preferred swore the alleadgeance ſubscribed the same with the aſsureance and ſwore the oath of Parliament. Inchcoulter admitted

THE Act containing the orders of the house read, and the same ordered to be printed and affixed on the uſual places according to cuſtome. [Orders of the House]

Additions to the Orders of the House

ORDERED that the Clerk to the General Regiſter of Seasines and the Clerk to the Regiſter of Hornings be allowed to be present at the meetings of Parliament.

ORDERED that her Majesties Solicitors be allowed to be present at the meetings of Parliament.

[Order of procedure]

PROPOSAL preſented by the Marqueſs of Annandale That the Parliament go into the conſideration of ſuch limitations and conditions of government as ſhall be judged proper for the next ſucceſsor in the Protestant line and that at the same time a Committee of Parliament be named to consider the condition of the coin of the Nation and the ſtate of its commerce or trade as to export and import and to prepare and bring in the most proper remedies and regulations for that end.

RESOLVE presented by the Earl Mariſchall That the house before all other affairs will make ſuch regulations of the trade and coin of this Kingdom as may be most for the advantadge of the Nation.

RESOLVE presented by the Earl of Marr that this houſe will proceed previous to all other buſineſs to take into their consideration the Nations circumstances as to England and how to enter into a treatie with them.

AFTER some debate these two queſtions were put Whither to proceed first to consider Coin and Trade, or Limitations of Government, And carried to Proceed first on Coin and Trade; next the question was put Proceed by way of Resolve or Overture and Carried by way of Overture.

THEREAFTER the Earl of Marr Declared that since his motion was given in by way of resolve he withdrew the same for the time.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock before noon.

JULY X, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Election Stewartry of Kirkcudbright]

THE contraverted Election of the Steuartry of Kirkcudbright betwixt Palgoun and Cumlodden called and their pro^rs being heard upon the objections against the Legality of the meeting After some debate thereupon It was put to the vote Sustain the objections founded upon the want of a due intimation to the Barons and Freeholders of the Steuartry or Repell and carried Repell And haveing proceeded to the other objections the ſame were repelled without a vote.

ORDERED that parties procurators ſhould insist to diſcuſs the mutual objections againſt either parties Electors.

MOVED that they ſhould yet have a diet appointed to them for diſcuſsing theſe objections and accordingly the twenty sixth of this instant appointed for hearing them And diligence of consent granted to both parties for recovering all writs which ſhall be neceſsary in discuſsing the said competition.

PROPOSAL for ſupplying the Nation with money read and ordered to ly on the table. [Money]

DRAUGHT of an Act Dischargeing the importation and wearing of Musline Calligo and other Forreign Linnen, read and ordered to ly upon the table. [Importing of Muslin &c.]

DRAUGHT of an Act Dischargeing the importation of Victual from Ireland read and ordered to ly upon the table. [Importation of Irish Victual]

DRAUGHT of an Act Diſchargeing the importation of Forreigne Butter and Cheese read and ordered to ly upon the table. [Importation of Butter & Cheese]

ORDERED that her Majeſties Solicitors cause print these Overtures for information of the members of Parliament.

RECOMMENDED to the Commiſsion appointed for publick accounts to whom Doctor Chamberlands proposal was remitted laſt Seſsion of Parliament to bring in the ſame next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PROPOSAL by Doctor Hugh Chamberland, anent a land Credit read, and ordered to be printed. [Land Credit]

[Muslin&c.] THE draught of the Act Dischargeing the importation and wearing of Musline Calligoe and other forreign Linnen again read and after ſome amendments upon the ſaid Act a first reading ordered to be marked thereon.

[Butter & Cheese] THE draught of the Act Dischargeing all English Iriſh and forreign butter and cheese again read And after some amendments a first reading ordered to be marked thereon.

[English & Irish Victual] THE draught of the Act diſchargeing the importation of victual from England and Ireland again read And after some reasoning thereon ordered to ly upon the table.

[Adjourning the Seſsion] ACT adjourning the Summer Seſsion to the first of November next read, and put to the vote Mark a first reading or Not, and Carried in the negative.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY XIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Importing Moloſses] THE draught of an Act against the importing of Moloſses from forreign parts into this Kingdom read and ordered to ly upon the table.

[Importing of tanned Leather] THE draught of an Act Dischargeing the importation of Engliſh or Iriſh tanned leather read and ordered to be printed.

[Muslin&c.] THEREAFTER the Parliament proceeded to the consideration of the draught of the Act dischargeing the importation and wearing of Musline Calligoe and other forreign Linnen And after some amendments the further consideration thereof was delayed till next meeting of Parliament.

[Butter & Cheese] THE draught of the Act Diſchargeing the importation of Engliſh or Iriſh butter or cheese, read the ſecond time, And after ſeveral amendments It was put to the vote Approve the Act or Not and carried Approve.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XVII, M,DCC,V.

PRAYERS said Rolls called.

GEORGE Monro Commiſsioner elected for the Burgh of Irving in place of M[r] Alexander Cunninghame deceaſed ſwore the oath of alleadgeance ſubscribed the same with the aſsureance and ſwore the oath of Parliament. George Monro admitted

MINUTS of the last Sederunt read.

RESOLVE presented by the Duke of Hamilton That this Parliament will not proceed to the nomination of a Succeſsor till we have had a previous treaty with England in relation to our commerce and other concerns with that Nation And further It is Resolved That this Parliament will proceed to make ſuch Limitations and Conditions of Government for the rectification of our Constitution as may secure the Liberty Religion and Independency of this Nation before they proceed to the said nomination, And after reasoning thereupon It was put to the vote Approve the Resolve or not and carried Approve. Resolve

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

JULY XX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE draught of a letter presented by the Marqueſs of Tweeddale in anſwer to her Majesties Letter to the Parliament read. [Letter to the Queen]

DRAUGHT of an Act for a treaty with England presented by the Earl of Mar, read. [Treaty with England]

AN other draught of an Act for a treaty with England presented by the Marqueſs of Lothian, read.

DRAUGHT of an Act anent the way of chooseing Officers of State Privy Councillors and Members of Exchequer and Theſaury in caſe of her Majeſties deceaſe without heirs of her body to ſucceed to her presented by the Earl of Rothes, read. [Chooseing of Officers of State &c.]

DRAUGHT of an Act for advanceing and eſtabliſhing the herring fiſhing in and about this Kingdom, read. [Herring Fishing]

[Herring & White fishing] AN other draught of an Act anent herring and white fishing, read.

[Importation of Brandy] DRAUGHT of an Act Dischargeing the importation of brandy and all forreign spirits, read.

[Exporting Woolll] DRAUGHT of an Act anent the exportation of Wool and ſkins and Woollen yearn read.

ORDERED that these Acts be printed for information of the Members.

[Land Credit] REPORT of the Commiſsion for publick accounts in relation to Doctor Chamberlands proposal read, As alſo the Doctors proposal with the objections against the same and answers made to the objections all read, And after reaſoning upon it the further consideration of the proposal was delayed till the ſecond Sederunt of Parliament next week.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXIV, M,DCC,V.

PRAYERS said Rolls called.

The Earl of Mortoun's protestation for precedency THE Earl of Mortoun Protested against the calling of any Earl in the rolls of Parliament before him.

HER Majesties Commiſsion to James Duke of Queensberry to be Lord Privy Seal read and ordered to be recorded, Whereof the tenor follows.

Commiſsion of the office of Keeper of the Privy Seal to the Duke of Queensberry ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos Considerantes antiquam fidelitatem insignesq, animi dotes fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberry quibus ad munus locum et officium Secreti nostri Sigilli Custodis fideliter Obeundum usquequaq, eſt idoneus Noveritis Igitur Nos Feciſse Nominaſse Constituiſse et Ordinaſse sicuti Nos per presentes Nominamus Facimus Constituimus et Ordinamus eundem Jacobum Ducem de Queensberry (durante nostro beneplacito solummodo) [Dominum] Custodem Secreti nostri Sigilli antiqui regni nostri Scotiæ Dando Concedendo et Disponendo illi munus et officium Secreti nostri Sigilli Custodis antedicti Cum loco et ordine præcedentiæ proxime et immediate post præsidem Secreti nostri Concilii dicti [nostri] regni Una cum universis honoribus dignitatibus privilegiis feodis casualitatibus proficuis et divoriis quibuscunq, eo spectantibus per eum fruendis et gaudendis tam plene adeoq, libere in quovis respectu et cõnditione quam eadem per ullos alios ejus prædeceſsores in dicto munere et officio quovis tempore præterito poſseſsa et gavisa fuere Cum potestate etiam dicto Jacobo Duci de Queensberry deputatos pro custodiendo dictum Secretum Sigillum Nominandi et Constituendi et Clericos et dicto Sigillo ſcribas (pro quibus respondebit) Creandi, Et generaliter omnia et singula alia faciendi utendi et exercendi ad privilegium et libertatem dicti officii perprius spectantia aut quæ in posterum quovis modo eo spectare dignoscentur Quæ quidem omnia per dictum Jacobum Ducem de Queensberry legittime facienda in dicto munere loco et officio obeundo firma et rata habemus In cujus rei Testimonium præsentibus magnum Sigillum nostrum appendi præcepimus Apud Aulam nostram de Windsoir Caſtle decimo octavo die mensis Junii anno Domini millesimo septingentesimo quinto et anno regni nostri quarto. Per ſignaturam manu S. D. N. Reginæ ſuprascriptam. Written to the great ſeal and regiſtrat the twenty fourth day of July 1705 Sic ſubscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of July One thousand ſeven hundred and five years, Sic ſubscribitur Alex[r] Ogilvie.

THEREAFTER the ſaid Duke of Queensberry ſwore the oath of alleadgeance subscribed the same with the aſsureance and ſwore the oath of Parliament.

MINUTS of the laſt Sederunt read.

[Order of procedure] MOVED that the Parliament proceed to the consideration of the draught of the Letter presented by the Marqueſs of Tweeddale in answer to her Majesties gracious Letter to the Parliament, Moved also that they proceed to the consideration of these Acts relating to trade which are lying before the Parliament And after debate it was put to the vote Proceed to the consideration of the draught of the Letter presented or the draughts of the Acts relating to trade and carried Proceed to the consideration of the Acts relating to trade.

[Herring Fishing] THEN the Parliament did proceed to the consideration of the Acts for establishing and advanceing the herring fiſhing in and about this Kingdom And after some reasoning upon them a first reading ordered to be marked on the Act presented by the Provost of Edinburgh Reserveing to any member to offer clauses to be added to the said act when the same comes to be under consideration for a second reading.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XXVI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Palgoun admitted] MOVED that this day being appointed for diſcuſsing the contraverted election of the Steuartry of Kirkcudbright betwixt Palgoun and Cumloden, the Parliament would now proceed to the conſideration thereof And the ſamen being called, and parties procurators allowed to be heard It was objected by the procurators for Palgoun that the Proteſtations taken by Cumlodan against Palgouns Electors at the time of the Election were not legal in regaird these protestations bear not that there were instruments taken thereupon in the terms of the Act of Parliament I^mo vj^c^ and eighty one made anent election of Commiſsioners to the Parliament And after reasoning thereupon It was put to the vote Sustain the objection made against the protestations taken by Cumlodan or Not, and carried Sustain the Objection.

THEREAFTER Cumloden withdrew his Commiſsion Whereupon Palgoun was allowed to have his vote in Parliament.

[Council of Trade] DRAUGHT of an Act for appointing a Council of trade read and ordered to be printed.

[Royal Mynes] DRAUGHT of an Act Diſsolveing royall Mynes from the Croun, read, and ordered to be printed.

[Game] DRAUGHT of an Act for preserveing the Game read and ordered to be printed.

[Chamberland's Report] RESOLVED that Doctor Chamberlands proposal and other Overtures relating to coin be first under consideration next Sederunt previous to all other buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

JULY XXVII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Proposal for a Paper credit] PROPOSAL for Supplying the Nation with money by a Paper credit read And after reaſoning and debate thereon, It was agreed that the forceing any Paper credit by an Act of Parliament was unfit for this Nation.

[The Coin] MOVED that the Parliament proceed to consider If it be convenient that the current species within the Kingdom ſhould be raised above what it paſses for at preſent, and after ſome debate It was put to the vote Proceed or Delay and carried Proceed Thereafter it was agreed that the raiſeing of the current species above what it paſses for at present is an unfit expedient for this Nation.

MOVED that the Parliament might appoint a day for takeing to their consideration If it be fit that the value of the Engliſh milled money and doucatoons and other forreign species ſhould be lowered, and the same delayed till the Parliament return to consider the ſtate of the Coin of this Kingdom.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Treaty with England] THE Draught of an Act and Commiſsion for a treaty with England read, and moved that a first reading be marked thereon.

[Order of procedure] MOTION presented by the Duke of Hamilton that the Parliament proceed to the neceſsary Acts for regulating our trade the rectification of our present constitution and the limitations in the terms of the first resolve And after reasoning and debate upon the act and motion It was put to the vote Proceed to consider the Act for a treaty or Proceed to consider Limitations, and carried Limitations.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

AUGUST II, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Chooseing Officers of State] MOVED that the Parliament proceed to limitations And in order thereto that the draught of the Act anent the way of chooseing the Officers of State in case of her Majesties decease without heirs of her body be read, and that it have a first reading marked thereon.

MOVED that the Parliament proceed to consider the acts already presented which relate to trade And after debate it was agreed that the Act anent the chosoeing the Officers of State be read.

[Order of Procedure] A RESOLVE offered that the Parliament will proceed first to the finiſhing of all such acts as ſhall be found neceſsary for the right regulation of the trade of this Kingdom and next to the finiſhing the neceſsary limitations and rectifieing our constitution and that previous to any act for a treaty with England And after debate upon the reſolve A proposal was made that it ſhould be insert in the Minuts that the Parliament doth agree That in the first four ensuing Sederunts they will proceed to consider acts in relation to trade As likewayes Agree that the next four Sederunts thereafter the Parliament will proceed to consider rectifications of our constitution and limitations upon the ſucceſsor and that no extraneous buſineſs ſhall interveen And after debate it was put to the vote Whither approve the reſolve or Mark the proposal in the Minuts, And carried Mark the proposal in the Minuts.

THE Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST III, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Overtures read] THE Overture for an Act prohibiting and diſchargeing the importation of all manner of merchandise and commodities from England read.

OVERTURE for an Act anent the coinage of copper, Overture for an Act Dischargeing the victualling of ships outward bound with Irish or forreign beef read As also the Overtures for the Acts following Act dischargeing the importation of tobacco Act Dischargeing the wearing of silk stufs velvet and ſtamped Calico, Act Dischargeing the importation of Starch and pouder made of Starch Act for easeing the Leidges as to the prices of fleſhes in Edinburgh Canongate and Leith all read and ordered to be printed for information to the members.

[Order of Procedure] MOVED that the Parliament proceed to consider the Act for establishing and advanceing herring fiſhing upon which there is a first reading already marked Moved alſo that the Parliament proceed to consider the draught of the Act appointing a Council of trade And after debate it was put to the vote Whither the act for the fiſherie or the act appointing a council of trade ſhould be first considered and Carried Act for the fisherie And accordingly the same was read and proceeded on And after debate upon the clause relating to the rousing of herrings with forreign salt, It was put to the vote Allow of the rouſeing of herrings to be exported with white salt Yea or No, and Carried in the negative.

MOVED that the petition by Mr George Campbell anent the improvement of ſalt be read and agreed that the ſame be under consideration before finiſhing of this act. [Mr George Campbell]

MOVED that a clauſe be added prohibiting the importation of all Engliſh ſalt and agreed that the ſame ſhould be likewayes considered before the act be finiſhed. [Importation of English salt]

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST VII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED that the Overture for a triennial Parliament be printed. [Triennial Parliament]

THEN the Act for the fiſherie further proceeded on and agreed that the premium of coaſt fiſhing that ſhall be exported be nine pounds per Last, and free of duty which makes ten pounds four ſhilling. [Fisherie]

MOVED that there be an additional premium for incourageing bush fishing and makeing red herrings And after debate it was put to the vote Whither the ſame should be in this act or in a seperat act and Carried in this act And then agreed that eighteen pounds includeing the duty be the premium for ilk laſt of buſh herring to be exported.

MOVED that the premium for red herrings be twenty four pounds Moved alſo that it be thirty six pounds And after reasoning it was put to the vote Whither twenty four or thirty six pounds and Carried twenty four pounds includeing the duty as the premium of ilk laſt of red herrings to be exported

THE further Consideration of the Act delayed till the next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST VIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Lockhart of Kirkton] PETITION for Captain Walter Lockhart of Kirktoun presented and a Sift of execution granted to the petitioner for the time contained in the deliverance upon his petition.

[Report anent Public Accounts] ORDERED that the report of the Commiſsion for publick accounts be printed for information to the members.

[Counteſs of Seaforth&c.] PETITION for Frances Counteſs of Seaforth moved and the Earl of Cromarty and others concerned in the ſaid petition Ordained to see and answer the same.

[Fisherie] THEN the Parliament proceeded to the act for the fisherie And after some debate amendments and the addition of some clauses to the act it was put to the vote Approve the Act or Not and carried Approve.

[Mr George Campbell] PETITION Mr George Campbell for improveing the ſalt of this Kingdom read, and ordered that the same come first in the next Sederunt of Parliament.

[Council of Trade] THE Act appointing a Council of trade read and ordered that a first reading be marked thereon.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST IX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Import of Irish victual] PETITION by Lieutenent Collonell Patrick Ogilvie for guarding the west coast to prevent the import of Iriſh victual &c. read, and the same ordered to be printed.

ANOTHER proposal to prevent the import of Irish victual also read and ordered to be printed.

PETITION Mr George Campbell for improveing the salt of this Kingdom read, and considered and the deſire thereof granted as follows.

Act in favors of Mr George Campbell for improving Salt

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Mr George Campbell merchant in Edinburgh Humbly Shewing unto them That the petitioner hath with great pains and industry found out an improvement whereby the ſalt as formerly made in the present salt pans may be considerably bettered in its quality and augmented in its quantity more than in the ordinary way hitherto used Whereupon there is a contract drawn up betwixt the Salt maſters of this Kingdom and the petitioner and which is already ſigned by a considerable number of the Salt maſters and the petitioner By which Contract the petitioner is to diſcover and communicat to the ſaid Salt maſters his ſaid improvement on the terms & conditions expreſsed in the contract, Likeas upon the twenty first of November I^(o) vj^c and ninety nine The petitioner obtained an act of Privy Council in his favors upon the narrative of his ſaid new invention and of his agreement with the Salt maſters and of the great benefite and advantadge that may redound to the Leidges by this ſo considerable an improvement of the chief manufactory of the Kingdom And therefore Giveing and Granting to the petitioner his heirs and aſsigneyes and ſuch only as he and they have agreed or ſhall agree with, the ſole power and priviledge for useing of the said improvement dureing the ſpace of twenty five years next ensuing the date of the ſaid act in the terms and conditions therein contained and hereafter expreſsed in the petitory part of the ſaid petition as the ſaid Contract and Act of Privy Council both produced with the said petition do instruct And this being a considerable improvement of the chief manufacture of the Kingdom and may tend to the great benefite and advantage of the Leidges the petitioner is deſireous it ſhould be ſecured by authority of Parliament, And it being not poſsible to have all Salt maſters concurring by reaſon of minors, creditors, and ſalt pans to be built hereafter and other hindrances and as little just that ſuch as do not agree with the petitioner ſhould have the benefite of his invention and diſcovery Therefore Craveing His Grace and the honourable Eſtates to consider the premiſses and for further ſecurity and incouragement to the petitioner to paſs an Act of Parliament in favors of the petitioner and ſuch as do or ſhall contract with him Giveing and Granting to him his heirs and aſsigneyes the ſole and special licence power priviledge and authority that he and they by him and themselves and by his and their deputes ſervants and workmen and ſuch only as he and his foresaids have agreed or ſhall agree with, ſhall and may from time to time and at all times dureing the space of twenty five years after the date of the ſaid Act of Parliament use and exerce the petitioner's new way and method of makeing & improveing ſalt [Provyding that any person or persons who ſhall during the said space agree with your Petitioner or his foresaids anent his said new way of makeing and improveing Salt] That it

ſhall be leiſum and lawful to them to enter or accept of the Contracts already made or to be made with any of the ſalt maſters upon the ſame terms that others have agreed into, or entered in thereanent and the petitioner to be oblidged and by the ſaid Act declared bound and lyable to receive them upon the same terms that others have already agreed and are received upon And by the said Act to approve and interpone their authority to the Contract above mentioned or any other Contract or Contracts to the ſame import entered or to be entered into betwixt the petitioner and his foresaids and the Salt maſters or others who do or ſhall contract with them And in regaird the present Salt works are by Act of Parliament Declared Manufactories That therefore by the ſaid Act all Salt works to be fitted and made after the petitioner's new method be declared to continue and be Manufactories with all the priviledges and immunities formerly pertaining and belonging to the ſalt manufactories by the Acts of Parliament I^{m} vj^{c} and sixty one and I^{m} vj^{c} and eighty one, And for the better incouragement ſecurity and eſtabliſhment of the ſaid new Improvement against minors creditors and others not contracting with the petitioner or his foresaids Prohibiting and Diſchargeing all the Salt maſters or others who have or within the foresaid space of twenty five years may have any going ſalt pans to use the petitioners ſaid new method and invention, or to counterfeit or resemble the ſamen whereby to pretend themselves the inventers and deviſers thereof dureing the space foresaid unleſs they first agree with the petitioner or his foresaids in the terms of the Contract abovewritten With Certification to them if they or any of them do in the contrair the going of their ſalt pans ſhall be stoped by any Judge ordinary upon summar complaint or proceſs instructed by an instrument of interruption taken by the petitioner till they agree in manner foresaid or find caution to make their ſalt after the former manner without meddleing with the petitioners ſaid new invention And they ſhall also be further punished for their contempt as the Lords of Privy Councill ſhall see cause And further that they ſhall be anſwerable to the petitioner and his foresaids according to the outmost rigour of the law for his or their damnages thereby to be ſustained And by the ſaid Act to Recommend to all her Majesties Judges Officers and Miniſters of the Laws to give their favourable concurrence to the petitioner and his foresaids in the proſecution of the said Act and on all occaſions needful to be aſsiſtant to them therein as the ſaid Petition bears And Her Majesties ſaid Commiſsioner and the Eſtates of Parliament haveing this day fully considered the ſaid petition and being therewith well and ripely advised They granted & hereby Grant the deſire thereof And Ordained and hereby Ordain this present Act to be Extended thereupon and given to the petitioner for his ſecurity in manner and to the effect represented.

[Council of Trade]

THEN the Parliament proceeded to consider the Act for appointing a Council of trade And after debate upon the clauſe whereby it is provided that the Commiſsioners should be named by Queen and Parliament It was put to the vote Approve or Alter the clause and carried Approve the clause And after some other amendments made upon the Act Agreed that the ſame be under further consideration next Sederunt of Parliament previous to all other buſineſs.

THEN The Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST X, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Laird of Broddie Excused by her Majesties Commiſsioner for his absence this Seſsion of Parliament in regaird of his indisposition.

[Mr James Anderson W. S.]

MOVED That Mr James Anderson Writer to her Majesties Signet haveing wrote [a Book] intituled an Historical Eſsay Shewing that the Crown and Kingdom of Scotland is imperial and independent, thereby clearing the independency of this Nation he ſhould have a reward for that good ſervice and agreed that he ſhall have for reward the sum of four thousand eight hundred pounds As also that the thanks of the Parliament be given him by the Lord Chancellour in presence of her Ma^{ts} high Commiſsioner and the Eſtates Which was accordingly done.

[Mr James Hodges]

MOVED That Mr James Hodges who hath in his writeings served the intereſt of this Nation get likewayes a reward for the same and agreed that he ſhall have the like ſum of four thousand eight hundred pounds.

[Books written by William Atwood ordered to be burnt]

MOVED That the book intituled the Superiority and direct Dominion of the Imperial Croun of England over the Croun and Kingdom of Scotland, being scurrilous and full of falshoods As also the Pamphlet intituled The Scots Patriot unmasked, reflecting upon the honour and independency of this nation both wrote by William Atwood, be burnt by the hand of the hangman And accordingly the ſame was ordered to be done by the Magiſtrats of Edinburgh Wednesday next being the fifeteenth instant betwixt the hours of eleven and

twelve and that a Warrand be given to them for that effect.

[Council of Trade] THEN the Parliament proceeded to consider the Act for appointing a Council of trade And after ſeveral amendments it was put to the vote Approve the Act or Not and carried Approve.

MOVED That it be determined If the election of these members who are to make up the Commiſsion for trade ſhall be in plene Parliament or by the Eſtates ſeperat And Agreed that it be by the Eſtates ſeperat Also Agreed that the ſaid Commiſsion consist of Seven of each State being in haill Twenty one and agreed that Seven of them be a quorum.

MOVED That the members of Parliament who are Tacksmen and Collectors of her Majesties customes and excise be ſecluded from being chosen as members of the ſaid Commiſsion And after debate it was put to the vote Seclude or Not and carried Seclude.

THEN The Lord Chancellour by order of her Majeſties High Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Council of Trade chosen] THEN the Eſtates did seperat to chose their Commiſsioners, who returned the persons following For the Nobility The Marqueſs of Lothian, the Earl of Mar, the Earl of Buchan, the Earl of Leven, the Earl of Hyndford, the Earl of Stair, the Earl of Hopetoun. For the Barons Sir Robert Dickson, the Laird of Carnwath, Sir John Swintoun, the Laird of Jerveswood, the Laird of Kilmaronock, Sir Thomas Burnet of Leyes, James Moir of Stonywood. For the Royal Burrows Sir Patrick Johnstoun, Hugh Montgomery, Sir James Smollet, Sir Alexander Ogilvie, Mr John Clerk, Mr Dougald Steuart, Sir Hugh Dalryſmple.

ORDERED that theſe liſts be insert in the Act.

Protestation by the Lord Balmerinoch and Earls of Erroll and Marischall THE Lord Balmerinoch gave in the Protest following That the nomination of this Commiſsion or Councill of trade by the Estates severally being a late practise and founded upon no Law, ſhall not be drawn in consequence in prejudice of the right and priviledge of Parliament to name by the whole house, Whereupon he took instruments, To which protest the Earls of Erroll and Mariſhall adhered.

MOVED that any member of Parliament may have the priviledge to be preſent at the meetings of the Council of trade and the ſame Agreed to.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Lundoirs excused for his absence in regaird of his indisposition.

THE Overture for an Act anent the way of chooseing Officers of State &c. in caſe of her Majesties deceaſe without heirs of her body read. [Overtures read]

OVERTURE for limitations on the ſucceſsors of her Majesty (deceaseing without heirs of her body) who ſhall be likewayes Kings of England read.

OVERTURE for an Act for a triennial Parliament read.

MOVED that there be a first reading marked upon the act anent the way of chooseing Officers of State after the death of her Majesty: Moved that there be a first reading marked upon the act for a triennial Parliament, Alſo moved that the further consideration of these acts be delayed, After debate it was put to the vote Proceed or Delay and carried Proceed. [Order of Procedure]

AGREED that a first reading be marked upon the act anent the choseing Officers of State Also agreed that a first reading be marked upon the act for a triennial Parliament.

MOVED that the Parliament next Sederunt proceed to consider the Act anent the way of chooseing Officers of State which was presented before the Act for a triennial Parliament: Also moved that they proceed first to the Act for a triennial Parliament And after debate it was put to the vote which of these acts the Parliament ſhould first proceed on and carried Proceed to the act for the way of chooseing Officers of State next Sederunt previous to all other buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Choosing Officers of State] THEN the Parliament proceeded to consider the Act anent the way of chooseing Officers of State &c. in case of her Majesties decease without heirs of her body And after debate upon the clause for nominating the said officers it was put to the vote If the nomination of the Officers of State &c. ſhall be by the King in Parliament with the advice consent and approbation of the Eſtates or If the nomination ſhall be by the Eſtates of Parliament, and Carried that the nomination ſhall be by the Eſtates of Parliament.

[Lords of Seſsion & Justiciary] MOVED that the nomination upon the death of any of the Lords of Seſsion or Justiciary be in the ſame manner as the Officers of State and added to this act.

MOVED also that the ſame be considered by a ſeperat act And after reasoning Agreed that the Lords of Seſsion and Juſticiary be nominat in the ſame manner as the Officers of State and that the Commiſsions to be granted to them upon any vacancy ſhall be dureing life.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act anent Choosing Officers of State] THEN the Parliament proceeded to the further consideration of the Act anent the way of chooseing Officers of State &c. in case of her Majesties decease without heirs of her body.

MOVED that the clause be added That in the event foresaid there be three presidents of the Seſsion chosen and nominat by the Parliament to preside by turns for the space of two moneths only And after reasoning It was put to the vote Add the clause to the Act or No and Carried in the negative; Then the act being read It was put to the vote Approve the act or No and carried Approve.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for John Earl of Crauford against Sir William Meinzies late tacksman of the excise and his Cautioners read and they ordered to ſee and answer the ſame against the ſecond Sederunt next week with Certification. [Earl of Crawford ag^t Sir William Meinzies]

PETITION for John Duke of Atholl against the ſaid Sir William Meinzies read and he ordered to ſee and answer against the ſaid diet with Certification. [Duke of Atholl ag^t Sir William Meinzies]

PETITION for Frances Counteſs Douager of Seafort against the Earl of Cromarty and others again read, and they ordained to ſee and answer against the ſecond Sederunt next week with Certification. [Counteſs of Seaforth ag^t the Earl of Cromarty]

ORDERED that the ſecond Sederunt next week be for privat buſineſs.

THEN the Parliament did proceed to consider the Act for a triennial Parliament And after ſome reaſoning whither this act ſhall take effect dureing the Queens reign or upon the ſucceſsor only being put to the vote Carried that it ſhould take effect dureing the Queens reign. [Act for a Triennial Parliament]

MOVED that this Parliament continue only for one year after this date; Alſo moved that it may continue for three years And upon debate It was put to the vote, One or Three years And it carried that this Parliament may continue Three years after this date.

MOVED that ſeeing by the act Farmers Mannagers and Collectors of her Majesties Customes and Excise, and Surveyers are declared incapable to be members of Parliament, That the general Receiver be likewayes added, And after debate It was put to the vote Add the general receiver to the act or Not and Carried in the negative Then the whole act being read It was put to the vote Approve the act or Not and carried Approve.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

AUGUST XXIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Patrick Lord Kinnaird] PETITION for Patrick Lord Kinnaird Craveing a list of personal execution againſt him and of real diligence againſt his estate for some time, read, and the same ordered to be under consideration the first day for privat busineſs.

[Supply] ACT for a Supply to be granted to her Majesty for maintainence of the ſtanding forces, forts garrisons and friggots presented by the Earl of Glasgow Lord Thesaurer depute read, and the ſame craved to have a first reading.

[Anent the Plot] MOVED that there being an Addreſs laſt Seſsion of Parliament for transmitting the papers relating to the late plot, The Parliament may be satisfied what answer is given to the ſaid Addreſs Upon which motion her Majeſties Commiſsioner Declared he had received a letter from her Majeſty relating thereto and that he would signifie her Majeſties pleaſure therein to the Parliament the third Sederunt next week, Whereupon the ſaid Sederunt was appointed for inquireing into that plot.

[Order of procedure] MOVED that the Act of Supply shall have now a first reading but before a second reading be given to it that the Parliament will come to a concluſion in the affair of the treaty and ſuch branches of trade as shall be neceſsary to consider in relation to the clauses in the English act.

ALSO moved that there be an addition to the former motion in thir terms That the Parliament will likewayes paſs ſuch acts as ſhall regulate the balance of trade to the advantage of the Nation before a ſecond reading, And after some reasoning it was put to the vote Add or Not and Carried in the negative.

THEN a first reading marked on the Act for a Supply.

ORDERED that the Charge and Diſcharge of funds from Auguſt I^m vij^c^ and four to July I^m vij^c^ and five be printed.

AGREED that the Parliament next Sederunt proceed to the consideration of the Act for a treaty with England previous to all other busineſs.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Treaty with England] THE Act and Commiſsion for a treaty with the Kingdom of England read, And after long debate thereon the further consideration thereof delayed till the next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXVIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſs anent an Union with England] THE draught of an Addreſs to her Majesty why the Parliament cannot proceed to an Act for a treaty with England offered by the Laird of Saltoun in thir terms "We your Majesties most loyal and faithful Subjects The Noblemen Barons and Burgeſses conveened in Parliament humbly represent to your Majesty that the Act lately past in the Parliament of England containing a proposal for a treaty of Union of the two Kingdoms is made in such injurious terms to the honour and interest of this Nation that We who represent this Kingdom in Parliament can no wayes comply with it which We have the greater regrate to refuse because a treaty of Union has in this Seſsion been recommended to us by your Majesty [but out of the great sence of the duty we ow your Majeſty] We do Declare that We ſhall be alwayes ready to comply with any such proposal from the Parliament of England whenever it ſhall be made in such terms as are no wayes dishonourable or disadvantageous to this Nation" And after a long debate thereon the Parliament did proceed to the Act for a treaty with England and being read it was put to the vote Mark a first reading to the Act or Not, and carried To mark a first reading on the Act.

THEN agreed that this Act ſhall not be finiſhed and approven the next Sederunt that the Parliament ſhall proceed upon the consideration thereof but prejudice to the voteing the clauſes of the Act that ſhall be then adjusted.

A CLAUSE offered by the Duke of Atholl to be added to the ſaid act read, and the ſame ordered to ly upon the table to be considered when the Parliament proceeds to consider that act.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for John Earl of Crauford against Sir William Meinzies Craveing the ſame execution against Sir William's Cautioners as against the ſaid Sir William read; Answers to the ſaid Petition also read, And the Parliament haveing considered the petition with the answers and the report of the Commiſsion for publick accounts relating to the ſaid petition, Recommended to the Lords of Theſaury to Aſsigne to the petitioner the said Sir William Meinzies's tack and all execution that may be competent thereon Which Recommendation is as follows.

Recommendation or Decreet the Earl of Crauford ag^{t} Sir William Meinzies

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of John Earl of Crauford Humbly Shewing unto them That the petitioner haveing represented the hardships he lyes under through his being ingaged for the clothing money of the regiment lately under his command, the last Seſsion of Parliament he obtained a deliverance ordaining Sir William Meinzies of Gladſtanes in the first end of the ſums due by him to pay the petitioner what he was ingaged in for cloathing as the petitioner ſhould instruct before the Lords of Theſaury or Committee of Parliament, Upon the petitioners application and perusal of his instructions the right honourable the Lords of Thesaury were pleased to find thirteen moneths cloathing due to his regiment at diſbanding and that the same extended to Two thousand eight hundred and ninety six pounds sixteen ſhilling eight pence ſterling. This decreet of Parliament and report of the Thesaury being upon the petitioners application again reviewed by the Committee of Parliament they adhered to the ſame, and the Committee haveing called for the Contracts and other Ingagements upon the petitioner and ſtated the same They found that the Sums of money in his respective ingagements amounted to no leſs than the above written ſum of two thousand eight hundred and ninety six pounds sixteen shillings eight pence Sterling, And therefore the Committee by their Decreet on the eleventh of June laſt Decerned and Ordained the said Sir William Meinzies to pay the petitioner the foresaid ſum and ordained horning and all other Executorialls to be directed on the same The petitioner does with all gratitude acknowledge the just proceedings of the right honourable the Eſtates and Committee of Parliament and Lords of Thesaury in this matter But ſtill he must beg leave to represent to his Grace and this preſent Parliament that what he has hitherto obtained hath proven ineffectual He does with all ſubmiſsion preſume that it was the good meaning and deſigne of the Parliament that he ſhould both have the ſame ſecurity for the money due by Sir William Meinzies and the ſame execution that was originally competent for recovering it Whereas to the petitioners great loſs Sir William Meinzies's cautioners are not decerned to pay nor is the petitioner allowed to quarter untill payment be made So that Sir William Meinzies by abſconding not only fruſtrats the petitioners payment but ſo far irritats those to whom the petitioner ſtands ingaged that he at present ſuffers by their diligence hardſhips that he is aſhamed to lay before this honourable Judicatory And Therefore Craveing his Grace and the right honourable the Eſtates of Parliament to allow the petitioner the ſame ſecurity & execution for the ſaid ſum of Two thouſand eight hundred and ninety six pounds sixteen ſhilling eight pence Sterling that was competent by the original tack and thereupon to Decern the Cautioners as well as Sir William Meinzies to pay the ſame And in caſe of delay that the petitioner may be allowed quartering as well as other legal diligence as the ſaid petition bears, Which being upon the twenty ſecond day of August instant Considered by her Ma^{ts} high Commiſsioner and the ſaid Eſtates of Parliament They ordained Sir William Meinzies and his Cautioners to ſee and answer against the ſecond Sederunt of the then next week With certification And accordingly they haveing heard the Answers to the ſaid petition given in for Alexander Meinzies of Culteralloes Mentioning That the ſaid Earl Repreſents that he haveing applyed to the Parliament in the former Seſsion thereof Shewing the difficulty he was under for his ingagements on the account of the clothing his Regiment The Eſtates did ordain Sir William Meinzies to pay to him out of the first of the ſums due by him what his Lordſhip was engaged in for cloathing according as he ſhould instruct the ſame before the Lords of Thesaury or Commiſsion of Parliament As also that upon perusall of his instructions the said Lords of Thesaury have found thirteen moneths cloathing due to his regiment which in money extends to two thousand eight hundred and ninety six pounds sixteen ſhillings eight pence Sterling And sicklike That the Committee of Parliament haveing reviewed the Decreet of Parliament and Report of the ſaid Lords of Thesaury with the contracts &c. wherein his Lordship was bound That they found the ſum due to his Lordship did extend to the ſum of Two thousand eight hundred and ninety six pounds sixteen ſhilling eight pence Sterling foresaid and in prosecution thereof ordered Sir William Meinzies to pay the foresaid ſum to his Lordship And that notwithstanding thereof Sir

William Meinzies ſhuns all manner of payment and his Cautioners are not decerned against and therefore Craves that his Grace and Eſtates of Parliament would find the Cautioners in the same case as Sir William Meinzies the principal tacksman and to Decern them to pay the ſum to his Lordship and in case of delay that he may be allowed quartering as well against the cautioners as against Sir William and all other diligence that was competent by the original tack This petition being by his Grace and the Eſtates of Parliament ordained to be seen and answered by Sir William Meinzies and his Cautioners It is answered for Culteralloes one of the Cautioners bound in the tack That by the Laws of the Kingdom there are fixed forms of procedure as well in relation to proceſses intented before the high Court of Parliament as before other Judicatures wherein the citation of parties and several other solemnities are requisite and Culteralloes not being so ſummoned he doth humbly contend that he is not oblidged to answer in hoc ſtatu Secundo Whatever may be pretended againſt Sir William Meinzies who compeared laſt Seſsion of Parliament and so subjected himself tho not cited Yet he is only one of the principal tacksmen and Alexander Wood the other is dead and neither he nor any representing him called or diſcuſsed So that Culteralloes who is only one of two Cautioners and neither the said Alexander Wood nor the other Cautioner called he ought at leaſt to have all the induciæ legales allowed to him and which being allowed he will be able to offer such unqueſtionable grounds as will liberat him of any oblidgement in the tack and therefore the deſire of the petition ought to be refuſed untill he be legally cited and his defences heard and considered in communi forma as the ſaid answers alſo bear. And her Majesties high Commiſsioner and the ſaid Eſtates of Parliament haveing this day fully considered the foresaid petition with the Answers above mentioned given in by Culteralloes They Recommended and hereby Recommend to the Lords of Thesaury to aſsigne to the petitioner the tack duty and tack itselfe against Sir William Meinzies and others thereby bound for payment of his debt With quartering and all other diligence competent to the Thesaury for makeing the same effectual.

PETITION for Alexander Campbell of Finab craveing that he may not be prejudged of the two thousand four hundred pounds allowed him last Seſsion of Parliament by any preference granted this Seſsion, And that he may have the same execution against Sir William and his Cautioners as is craved in the former petition; And the same likewayes remitted to the Lords of Thesaury to aſsigne to the petitioner Sir William Meinzies tack with all action that may be competent thereon for the said two thousand four hundred pounds, in manner at length following.

Recommendation or Decreet Alexander Campbell of Finab agt Sir William Meinzies

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of Collonell Alexander Campbell of Finab Humbly Shewing unto them That last Seſsion of Parliament Sir William Meinzies was appointed to pay the petitioner Two hundred Pounds Sterling out of the first & readiest of the five thousand pounds Sterling which he was Decerned in as a part of the tack duty due by him out of the inland Excise for which upon the petitioners application to the Committy of Parliament he obtained also their Decreet decerning Sir William to pay to him the said sum which has hitherto proven ineffectuall because such diligence by quartering &c. and otherwayes was not then Decerned to paſs against his Cautioners as against himself And therefore craveing his Grace and the honourable Estates to grant the petitioner such a deliverance on his said petition for his payment primo loco as is ordained in favors of the Earl of Crauford for his payment of what's decerned to him out of the said fund against the said Sir William and his Cautioners and to ordain such dilligence to the petitioner as is granted to him by the deliverance on his petition presented by him this day for payment of the foresaid sum due to him as the said petition bears And her Majesties high Commiſsioner and the said Estates of Parliament haveing this day fully considered the foresaid petition and being therewith well and ripely advised They Recommended and hereby Recommend to the Lords of Theſaury to Aſsigne to the petitioner the tack duty and tack it ſelf against Sir William Meinzies and others thereby bound for payment of his debt abovementioned with quartering and all other diligence competent to the Theſaury for makeing the ſame effectual.

PETITION for the Duke of Atholl against the said Sir William Meinzies read, Craveing to be relieved of several contracts for cloathing to his late regiment wherein his Grace ſtands ingaged and that the ſums due by Sir William may be affected therewith, And the Parliament haveing considered the said petition The deſire thereof granted after Alexander Campbell of Finab and the Lord Crauford their payments as follows.

Decreet the Duke of Atholl agt Sir William Meinzies

HER Majesties High Commiſsioner and the Eſtates of Parliament haveing heard the petition of John Duke of Atholl Humbly Shewing unto them That he entered into ſeveral contracts of cloathing with Sir William Meinzies and his partners for cloaths to his regiment All which contracts Sir William ſtill retains in his own hands becauſe of a ballance of Eight hundred and four pounds three ſhilling and six pence Sterling yet

resting to them and Sir William Meinzies being considerably indebted to the publick Craveing therefore his Grace and the honourable Estates of Parliament to order Sir William Meinzies to give up and discharge the several contracts whereby the petitioner stands bound to him and allow him to retain the Eight hundred and four pounds three shilling six pence Sterling in his own hands which will be in part payment to the petitioner of a much more considerable sum of arrears due to him for which arrears no doubt this honourable house will appoint suteable funds, as the said petition bears Which her Ma^ts high Commissioner and the Estates of Parliament haveing considered on the twenty second day of August instant They Ordained Sir William Meinzies to see and answer against the second Sederunt of the then next week with certification And her Ma^ts said Commissioner and the Estates of Parliament haveing this day again fully considered the said petition And being therewith well and ripely advised They Ordained and hereby Ordain the above Sir William Meinzies to give up and discharge the foresaid contracts wherein the petitioner stands bound And for that end Allowed and hereby Allow Sir William and his partners to retain the abovement Eight hundred and four pounds three shilling and six pennies as the ballance resting of the foresaid Contracts in their own hands for payment of the foresaid sum due to them by the petitioner.

PETITION for the Marquess of Lothian read Craveing relief from the Parliament of the cloathing money of his late independent troup, and regiment of dragoons now commanded by him, And that Sir William Meinzies's fond might be affected therewith, And the Parliament haveing considered the same the desire of the petition granted in so far as the said fond shall not be exhausted by the former preferences and Recommended to the Lords of Thesaury to assigne the said [tack] and all execution that may be competent thereon for the ends contained in the said petition, as at length here follows.

Decreet or Recommendation the Marquess of Lothian ag^t Sir William Meinzies

HER Majesties high Commissioner and the Estates of Parliament haveing heard the petition of William Marquess of Lothian and the officers of the regiment of dragoons under his command Humbly Shewing That there is due to the petitioner as Captain of an independent troop of horse from the first of November I^m vj^c and eighty nine to the first of January I^m vj^c and ninety one the sum of eight hundred and sixteen pounds nine shillings Sterling and as Collonell of that regiment of dragoons which was afterwards commanded by the Lord Forbes, from the first of February I^m vj^c and ninety one to the first of April I^m vj^c and ninety seven, the sum of Two thousand & eighty five pounds seventeen shillings and two pence Sterling, And to him and the officers of the regiment of dragoons presently under his command from the fifeteenth of March I^m vj^c and ninety eight at which time they arrived in Scotland out of Flanders to the first of December I^m and vij^c the sum of Six thousand nine hundred and fourty pounds twelve shillings and nine pence Sterling And from the first of August I^m vij^c and four to the first of September I^m vij^c and five the sum of two thousand six hundred pounds twelve shillings and six pence Sterling makeing in all the sum of Twelve thousand four hundred and fourty three pounds eleven shilling and five pence Sterling Of which a great part is cloathing money and for which the petitioner stands personally bound And therefor Craveing his Grace and the honourable Estates of Parliament to take into their serious consideration the case of the foresaid petitioner and officers in wanting so great a part of their pay for which they have so faithfully and honestly served both at home and abroad and in particular what hardships the Marquess of Lothian suffers by standing personally bound and under diligence at Law for most of the said cloathing money which without the protection and assistance of this honourable house must inevitably tend to his great and irrecoverable loss and prejudice and render him incapable to cloath his said regiment, And to order payment of the above balance so long and so justly due out of some effectual fund, and particularly out of what's due by Sir William Meinzies of the tack duty of the inland Excise, specially seeing it's out of what's due by him the petitioners should have been payed and ought now to be preferred thereto as the said Petition bears. And her Majesties said Commissioner and the Estates of Parliament haveing this day fully considered the said petition After the preference to Finab the Earl of Crauford, and the Duke of Atholl They Recommended and hereby Recommend to the Lords of Thesaury to assigne to the petitioner the tack duty and tack it self against Sir William Meinzies and others thereby bound for payment of his debt with quartering and all other diligence competent to the Thesaury for makeing the same effectual out of the superplus of the five thousand pounds Sterling after the said preferences.

MOVED that the said preferences do not prejudge David Callender of the Six hundred pounds allowed him the last Session of Parliament for his attendence upon the Commission for publick accounts, and the same agreed to.

MOVED that Sir William Meinzies his partners and their Cautioners be Discharged of their tack of Excise and Assoilzied upon payment of the Sixty thousand pounds wherein he was decerned last

Seſsion of Parliament at the terms of Martinmaſs I^m vije^o and five and Candlemaſs I^m vije^o and six by equal portions under the penalty of twelve thouſand pounds for each terms failzie And after debate it was put to the vote Aſsoilzie in the terms foresaid or not and carried Aſsoilzie, Which is as follows.

Act in favors of Sir William Meinzies

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition or repreſentation of Sir William Meinzies of Gladstanes Humbly ſhewing unto them That in August I^m vje^o and ninety eight the petitioner being unfortunatly ingaged in a tack of the inland Exciſe to commence the first of March I^m vje^o and ninety nine, Within a few dayes after the roup there was such an alteration of the ſeaſon through the exceſsive rains and winds that ſeveral persons who had agreed to be partners with the petitioner did resile Which being represented by him to the Lords of Thesaury they to incourage him and the deceaſed Alexander Wood to sign the tack did accept ſuch caution as they offered, After the tack was signed the petitioner both before its commencement and also dureing its first year did by reiterated applications represent to the Lords of Thesaury that much of the corns were not cut down and the greatest part of what was cut was utterly insufficient as was notour to all the Nation Of which the Lords of Thesaury were so sensible that by the late King's allowance they granted them a considerable Supercedere for a great part of the tack duty Likeas the petitioner and his partner did before March I^m and vij^e^o freely and ingenuously represent to the Lords of Thesaury that to continue them in the tack would be a certain loſs to the government Seeing the fond it ſelf and the haill privat ſtocks of them and their cautioners would not make up the tack duty And therefore Craved that seeing famine had happened which by the quality of the tack did make it void; their Lordſhips would liberat them thereof and dispose upon the tack at their pleasure Whereupon after remitting the affair to a Committee and a most strict inquiry and examination made of the ſtate of the Country, The Lords of Thesaury and Exchequer after haveing obtained the late King's warrand and upon mature deliberation did superceed them fifeteen thousand pounds of their tack duty they paying up the remaining twenty five thousand pounds And further the ſecond year appointed them to collect and uplift by vertue of their tack they finding ſurety (as they did) for their intromiſsion that year. And so with great care pains and expence they got the most part of the Country subset in tacks and for the Theſauries ſecurity did deliver these ſubtacks to Robert Rutherfoord who got payment thereof accordingly and yet over and above all that the petitioner and his partners received these two years they were neceſsitat to pay Two thousand pounds Sterling out of their own ſtocks more than the whole fond of the Exciſe did afford. In January I^m vije^o and one the Eſtates of Parliament were ſo fully ſatisfied that the fund of Exciſe would not afford payment of the tack duty that they did order the rouping thereof de novo and with much difficulty did get the ſame ſet at thirty thousand pound Sterling per annum tho there was then a great alteration of the ſeaſons and the victual became much more plentiful than it had been in any of the [two] preceeding years. In anno I^m vije^o and three The Parliament haveing appointed inquiry to be made anent the publick funds and cauſes of the deficiency thereof these Commiſsionat did in anno I^m vije^o and four make report that there was Twenty nine thousand pounds Sterling deficient of the tack duty of the inland Exciſe betwixt March I^m vje^o and ninety nine and March I^m vije^o and one Which oblidged the petitioner (Alexander Wood his partner being then dead) to lay the caſe before her Ma^ts Commiſsioner and the Eſtates of Parliament by petition, And being conscious to himself that he had managed the affair with the greatest exactneſs and caution that was poſsible for bringing in the fond and likewayes presuming that the qualifications of famine in the land these two years were ſo notour that they needed little proof He did ſubject himself to a vote of Parliament without demanding his procurators to be heard upon the relevancy of these qualifications And by the vote the Parliament did find the Tack a standing tack for these two years. But in regaird of the petitioners haveing given in an account of his intromiſsions with the fund of these two years, They did appoint a Scrutiny to be made by a Commiſsion of Parliament anent the verity of the accounts ſo given in to be reported this Seſsion of Parliament, And in the mean time ordained the petitioner to pay five thousand pounds Sterling whereof the one half at Martinmaſs and the other half at Candlemaſs last bypaſt: With this vote and decerniture the petitioner being greatly surprized whilst in hurry and confusion of mind thereanent tho he then was and ſtill is ſatisfied that the account of his intromiſsions which he had offered to the honourable houſe, and whereby it was evident that he had payed two thouſand pounds Sterling more than the fund had afforded was and is exact Yet he would have done more by far than was in his power if his partners would have concurred So that his Grace and honourable Eſtates may plainly perceive why it is that the foresaid decerniture against the petitioner is not obtempered his said partners and their representatives haveing refused to advance one farthing upon pretence that they were neither called nor decerned against and that if they had been called they would have pled upon their legal grounds upon which they presume they would have obtained exoneration This disap-

pointment from the petitioners partners doth again oblidge him in all humility to lay his caſe before the honourable house and humbly to repreſent Primo That the petitioner by himself and others in his name have frequently attended the Commiſsion of Parliament appointed for makeing the foresaid ſcrutiny in order to clear any ſeeming difficulties that arose to them thereanent and does presume that their report is ready and that thereby the ingenuity of the account presented by the petitioner to the Eſtates will appear, notwithstanding of all the ſuggeſtions and aspersions put upon him thereanent Secundo That it ſeems most reasonable that his partners and their repreſentatives ſhould be brought on an equal foot with him as to any payments beyond what the fond hath afforded And in order thereto that they ſhould be diſcuſsed before this honourable houſe the petitioner haveing cauſed cite them for that effect, Tertio That through his partners refuſeing to concurr to make up their parts of the five thouſand pounds Sterling and he not being able to do it by himſelf he hath been neceſsitated ever ſince Martinmaſs laſt to abandon his native country to the great prejudice if not utter ruine of himſelf and family And therefore Craveing his Grace and their Lordſhips to take his caſe into their ſerious consideration, And in order thereto to prefix a diet for receiveing from the foreſaid Commiſsion the report of the abovementioned scrutiny whereby it's hoped his faithful and diligent care in the mannagement yea and his ingenuity as to his intromiſsions conform to the account which he presented in Parliament will be vindicat and by which he is already two thouſand pounds Sterling in advance and that if his Grace and the honourable Eſtates do think fit to appoint him to pay or lose any further than what he hath already advanced it will plainly appear to proceed from the calamitous circumstances the Nation then groaned under and could not poſsibly be raised out of the fund, Secundo That his Grace and their Lordſhips will be pleaſed simul et semel with adviseing the report to receive in and hear the petitioners proceſs against partners that so whither the deciſion be for or against the petitioner they may be equal ſharers therein Tertio That in the interim his Grace and their Lordſhips may be pleased to allow a personal protection to the petitioner untill the final deciſion that so he may attend thereupon without the hazard of impriſonment Whereby it is hoped that he will thereby be enabled to ſubject those other partners as an additionall ſecurity for obtempering any decreet of Parliament to be pronunced after adviſeing the foresaid scrutiny as the ſaid petition bears. And her Majesties ſaid Commiſsioner and Eſtates of Parliament haveing likewayes heard that part of the report of the Commiſsion of Parliament appointed for ſtateing and examining the publick accounts which relates to the ſaid affair Bearing that it being remitted to them to consider whither or not the account given in by Sir William Meinzies be a true account They had made all the inquiry into this matter that poſsibly they could by takeing the depoſitions of Sir William his Tacksmen and Collectors as to the extent of their tack duties and Collections as likewayes of the ſums payed in by them to him as also they had examined them conform to interrogators lying in the Clerks hands particularly whither or not there were any double tacks under hand dealings promiſes or gratifications made for concealments and upon the whole matter they make the following observations First That Colin Aliſon who was Sir William's Subcollector and Caſhier for the Toun of Edinburgh and ſhire of Midlothian gives up in the account whereon he has deponed an article of twenty eight thouſand pounds Scots or thereby of reſts in the ſaid Toun and Shire which Sir William did not give up in his account given in laſt Seſsion of Parliament and the reaſon given by him therefore is that he looked upon the said liſt of reſts as irrecoverable But they found Sir William added by a docquet to the ſaid account the ſum of two thousand four hundred pounds received by him before giveing in thereof to the Parliament and that since that time he acknowledges himself to have received the ſum of one thouſand nine hundred pounds And found that for the remainder of the ſaid twenty eight thouſand pounds Scots he hath decreets againſt the breuars lyable in payment thereof which he produces for his exoneration, Secondly That whereas he ſhould have taken care to have ſet ſubtacks dureing the first year of his mannagement he on the contrary ſuffered the Exciſe to be in collection because it seems he could not bring it up to the extent of his tack duty with any advantadge to himself But it appeared plainly to the said Commiſsion that more could have been made thereof than the collections amounted to, Thirdly That notwithstanding of the exact inquiry the Commiſsion made into this matter yet they could not diſcover any double tacks under hand dealings promiſes or gratifications for concealments. Fourthly That the Sallaries given by him to his Collectors and Surveyers ſeemed to be a little exorbitant amounting in ſome ſhires to near a fifth part of the whole collection, Fifthly That he made ſubtacks dureing the ſecond year of his mannagement for leſser ſums then he received the year before by Collections which the ſaid Commiſsion of Parliament judged to be ill management in reſpect that the ſecond year of Sir William's tack was by far a year of greater plenty than the first, But as to all theſe the Commiſsion presumed to referr the Parliament to a more full and particular account inserted in the Minuts of their Committee dated the third day of May laſt To which is ſubjoined Sir William's answers That this matter might appear more clear to the Parliament when stated with all the advantages and disadvantages that the observa-

tions of the Commiſsion and Sir William's answers can ſuggest; The Commiſsion were oblidged further to represent to the honourable houſe That tho by a vote their Lordſhips Declared Sir William Meinzies's tack to be a ſtanding tack and ordained him to pay in five thousand pounds Sterling at Martinmaſs and Candlemaſs laſt by equal proportions; yet he hath been so far from makeing any payments conform to their order that he withdrew and went out of the Kingdom near eight moneths ago, In the mean time tho their Lordſhips had not impowered the Commiſsion to do diligence against him Yet upon application made to the Theſaury their Lordſhips ordered his tack to be regiſtred, together with horning and caption after the ordinary manner as the ſaid report alſo bears And sicklike her Majesties high Commiſsioner and the said Eſtates of Parliament haveing also heard the answers to the foresaid report made for Sir William Meinzies and particularly mentioned in his answers to a petition presented to them for the Earl of Crauford against him and his Cau^{rs} by which answers Sir William represented that he did with all humility take that occaſion to vindicat his candor and ingenuity in the management of the foreſaid Exciſe the two years abovementioned and to clear that the account of his intromiſsions with the fund as ſigned by him and given in to the Parliament was exact that ſo the insinuations made to the contrare may not be regarded And in order thereto his Grace and the honourable Estates were entreated to take notice That the Commiſsion of Parliament in the first paragraph of their report anent the ſaid Sir William do say, they had made all the inquiry into this matter that poſsibly they could by takeing the depoſitions of Sir William his tacksmen and collectors as to the extent of their tack duty and collections As likewayes of the ſums payed in by them to him As also they had examined them particularly whither or not there were any double tacks, under hand dealings promiſes or gratifications made for concealments And the third Observe in the report runs thus That notwithstanding of the exact inquiry we made into this matter yet we could not diſcover any double tack under hand dealings promiſes or gratifications for concealments, From which it is plain that ſince there is no under hand dealing in the matter the account given in by him is to be considered as true and exact Whereas from the first observation mentioned in the report in relation to the Exciſe of Edinburgh it may appear to ſome as tho the account given in by Sir William thereanent were not exact Becauſe first he makes no mention therein of twenty eight thouſand pounds of reſts given up by his Subcollectors, Secundo Becauſe he hath received two thouſand four hundred pounds more than is mentioned in his printed account and likewayes that he hath received one thouſand nine hundred pounds since laſt Seſsion of Parliament as also that he hath decrects against the breuars for the ſuperplus To this it was answered Primo Sir William in the printed account was not giveing account of the whole ſurveyes of the Kingdom but only of his actual intromiſsions with any part of the fund, these surveyes being ſtill to be cleared by the particular books all which he was ever ready to give upon oath and the printed account was framed in the year I^{m} vij^{c} and three in order to have been given at that time to the Committee of Parliament, But Sir William haveing received about two hundred pounds Sterling of the reſts in and about Edinburgh after the printing of that liſt and before presenting thereof to the Parliament he did most justly ſubjoin thereto the foresaid two hundred pounds Sterling as received by him since syne and which is contained in the ſigned account of his intromiſsions presented to the Parliament and ſtill lying in the Clerks hands Secundo as a further evidence of Sir William's ingenuity in the matter ſince the decerniture of Parliament in the year I^{m} vij^{c} and four He hath received one thouſand nine hundred and fourty six pounds Scots more of these rests which he no sooner received than he owned the ſame to the Committee of Parliament and is but very ſmall proportion of the two thouſand pounds Sterling already advanced, and no wayes suteable to enable him to obtemper the other decernitures of Parliament, Tertio Tho the twenty eight thousand pounds of reſts mentioned in Colin Aliſons depoſition to which the report relates appear considerable, yet it is not valuable if duly considered for the ſame is ſtated according to ſurveyes and decreets taken thereupon without regard to spilt brouſts ſtorted or returned ale, the death or breaking of breuars; and it is not without difficulty that the foresaid two thousand four hundred pounds and one thousand nine hundred pounds hath been got out of these reſts and ſcarce any more can be expected that way. The Second observation in the report runs thus That whereas he ſhould have taken care to have Set Subtacks dureing the first year of his management he on the contrary suffered the Excise to be in collection because he could not it ſeems bring it up to the extent of his tack duty with any advantage to himself; but it appears plainly to us that more could have been made thereof than the Collections amounted to. Least Sir William's silence in this matter ſhould be interpret to import an acknowledgement of what is contained in that Observe viz. "That by ſetting the ſame in ſubtacks the first year he might have made more thereof than was done by Collection It is answered Primo By the third Observe in the report already mentioned the Commiſsion owns that there is nothing of under hand dealing diſcovered and why Sir William without the leaſt prospect of advantage to himſelfe ſhould have endeavoured to disappoint the Government of all that could be made of the fund is

ſcarce conceiveable Eſpecially ſeeing even at that time it was notour to the whole Kingdom that the fond could not make up much above the half of the tack duty ſo that he behoved to be at the diſcretion of the Government Secundo If there had been any error in that manner of mannagement it might as reaſonably be imputed to the other tacksman against whom there is not yet any decreet of Parliament, But Tertio it is notour and can be instantly instructed that Sir William, and Alexander Wood did cauſe print and publiſh advertisements through all the ſhires and at all the Royal Burrows of the Kingdom inviteing all to come in who inclined to take Subtacks of the Excise and that ſeveral moneths before the commencement of the tack, And tho some persons upon these advertisements did come and treat with them for parcells thereof yet none did offer to bring it the length of the collections neither would they at all ingage unleſs they had been ſecured in the tack at that rate for five years So that the evidences which make it plain to the Commiſsion that more could have been made of it the first year than the collections amounted to are ſuclras he neither knows nor can comprehend. As to the fourth Observe bearing that in some places the Sallaries given by him to Collectors and Surveyers were exorbitant It is answered That it is very well known his fault was not in being too liberall that way but in ſome ſhires tho the Collections were ſmall yet the trouble of ingathering them was considerable by reaſon of the then circumstances of the Country which oblidged Sir William and partners to give the like allowance as formerly. The fifth Observe bears That in the second year which was more plentifull than the first Sir William granted Subtacks for leſser Sums than he had received the preceeding year by collection. To this it is answered that the ſingle inſtance hereof is only in the ſhire of Haddingtoun which was more auspicious the first year than any place of the Kingdom for albeit it had never at any time before payed above one thousand pounds per annum yet that first year by Collection it did afford nine hundred and ſeventy ſix pounds but in the ſecond all that Sir William could make of it was Eight hundred and ſeventy pounds which he judged to be more reaſonable than to depend upon the uncertainty of a collection In the close of the report it is represented That Sir William Meinzies withdrew and did not make payment of the ſum which he was appointed to pay and whereupon diligence by appointment of the Lords of Thesaury is gone out against him To this it is answered That it was not contempt but abſolute incapacity to obtemper that made him withdraw and which was occasioned through the repreſentatives of his ſaid partners refuseing to concurr or pay any part thereof, and whereby Sir William's credit was ſo impared that none would either lend to him or buy from him becauſe of his circumstances with the Parliament. From what is premiſed it being evident that toward the reimburseing Sir William Meinzies of the two thouſand pound Sterling advanced by him before the year I^{m} vij^{c} and three more than the fund had afforded he hath not at any time nor any manner of way received any part thereof except the two hundred pounds Sterling owned and acknowledged by him in the account ſigned and given in to the Parliament anno I^{m} vij^{c} and four and one thouſand nine hundred pounds Scots which he hatlr got payment of out of the desperat rests stated in Colin Alisons account since that time And therefore by the foresaid answers after answering the Earl of Craufords petition He concluded hopeing his Grace and the honourable Eſtates would bring the affair to a conclusion and determine at worst that upon payment of the several sums already allocat upon that fund he might be exonered and have recourse against partners and their repreſentatives for relief as accords or at leaſt that the exoneration might be full and the deciſion betwixt him and partners might be remitted to be ſummarly decided by the Lords of Seſsion with a Parliamentary power And in order thereto that the petition presented by Sir William and lying in the Clerks hands with his proceſs againſt partners might be read and considered and receive Interloquitor thereon according to justice as the ſaid anſwers alſo in themſelves proport And her Majesties high Commiſsioner and the Eſtates of Parliament foresaid haveing this day fully considered the foresaid petition or representation with the abovementioned report of the Commiſsion of Parliament thereanent and the answers abovewritten thereto and being therewith well and ripely advised They Aſsoilzied and hereby Aſsoilzie Sir William Meinzies and partners upon payment of the five thouſand pounds Sterling by equal portions at Martinmaſs and Candlemaſs next under the penalty of one thousand pounds Sterling for each of the ſaid terms failzie Reserveing to him his relief againſt partners and others lyable in payment as accords.

MOVED That Sir William and his Cautioners Aſsigne what is unuplifted of the twenty eight thousand pounds of outstanding debts reſting to him by breuars and others ariſeing from the subject of the ſaid exciſe And after debate it was put to the vote Aſsigne or No and Carried in the negative, And it being then moved That ſeeing they were not to aſsigne, the breuars and others may be discharged, And being put to the vote Diſcharge or No it carried No.

MOVED that Sir William Meinzies's proceſs againſt partners and their representatives may be remitted to the Lords of Seſsion to be determined

by them ſummarly without abideing the course of the roll, and the same agreed to, as follows.

Remit to the Seſsion Sir William Meinzies ag^{t} his partners & their representatives

ANENT the ſummonds and action raiſed and intented before the high Court of Parliament at the inſtanee of Sir William Meinzies of Gladſtanes against Archbald Dunbar of Thundertoun who was one of the partners in the tack of the exciſe aftermentioned George Oswald ſon and heir ſerved and retoured to the deceased Sir James Oswald of Fingeltoun his father who was another of the said partners at leaſt behaveing as heir to him at leaſt Exe^{r} Decerned and Confirmed to him at leaſt vitious and universal intromettor with his writs evidents goods and geir at leaſt lucrative ſucceſsor to his father after makeing of the foreſaid tack at leaſt who poſſeſsed the eſtate or effects whereof his father was in poſſeſsion for the space of three years and ſo lyable conform to the Act of Parliament and otherwayes representing him upon special paſsive titles to be insisted in and also Jasper Wood alias Johnstoun of Waristoun ſon and heir to the deceased Alexander Wood breuer in Edinburgh who was conjunct tacksman with the purſuer, and oy and heir to the deceased Jasper Johnston of Wariſton who was cautioner for the ſaid Alexander Wood one of the tackſmen and who became ingaged at the deſire and upon the account of the ſaid Alexander Wood as Alexander Meinzies of Culteralloes was upon the pursuers account and Johnstoun relict of the ſaid Alexander Wood and daughter to the said deceased Jasper Johnstoun as Exe^{rix} to her ſaid father and huſband at leaſt ſhe and her said son as representing the said deceaſed Alexander Wood and Jasper Johnſtoun upon the paſsive titles particularly and generally abovementioned and who or one or other of the ſaid repreſentatives received diſpoſitions or other rights from the ſaid defuncts of their lands means and eſtate in their own or their trustees names for their behoove and who alſo had of their means and eſtate ſiniſtruously conveyed after the date of the foresaid tack The which Summonds maketh mention That where the purſuer being unfortunately ingaged in an tack of the Inland Exciſe which did commence in the year I^{m} vj^{c} and ninety nine the Parliament in the laſt Seſsion thereof by a vote did find the samen a ſtanding tack and appointed the pursuer to pay five thouſand pound Sterling of the deficiency of the tack duty albeit the purſuer did condeſcend and was ready to inſtruct that he had payed Two thouſand pounds Sterling more than the fund had afforded and likewayes did reſerve to their own conſideration what further they ſhould think fit to enact after a ſcrutiny to be made anent the quota of the purſuers intromiſsions And seeing ſeveral persons were ingaged with him as partners in the ſaid tack and ſo lyable to relieve the purſuer proportionally and that they were not conveened nor decerned againſt in Parliament neceſsar it is that the said pursuer have decreet pronounced against them or the representatives of such as are deceaſed As particularly the repreſentatives of the deceaſed Sir James Oswald and Alexander Wood and of Jasper Johnſtoun their cautioner And that in order thereto the pursuer is desireous to prosecute an action before the Parliament that so they may be brought upon an equal foot with him as to the haill consequences of the said tack and therefore it was neceſsary for the said pursuer to have warrand for citeing all his ſaid partners and representatives of the deceased and their cautioners in manner underwritten And anent the charge given to the before named defenders by two ſeveral Maſsers of Parliament in manner following viz. to the ſaid Archbald Dunbar and George Oswald personally apprehended and to the said Jasper Wood alias Johnstoun and the said Johnstoun at their dwelling houſes to have Compeared before the said high Court of Parliament or Committee thereof to have been appointed for privat affairs at a certain day bygone to have answered at the inſtance of the said pursuer and to have heard and ſeen them for themselves et nominibus paſsivis quibus ſupra Decerned by decreet of Parliament to relieve the pursuer proportionally in manner foresaid as in the said summonds and executions thereof is fully expreſsed The said pursuer compearing by Mr John Meinzies advocat his procurator who for him produced in preſence of the ſaid high Court of Parliament an tack by way of contract dated the ſeventh of September I^{m} vj^{c} and ninety eight betwixt the Lords Commiſsioners of his Majeſties Thesaury with advice and consent of the Lords and others Commiſsioners of Exchequer for the time on the one part and the ſaid Sir William Meinzies then deſigned William Meinzies present Baillie of Edinburgh and the ſaid deceaſed Alexander Wood thereby deſigned Merchant there on the other part Whereby the ſaid Lords Commiſsioners of Thesaury with advice foresaid did Set in tack to the ſaid Sir William Meinzies and Alexander Wood their heirs or aſsigneyes the excise of three pennies Scots upon each pint of ale and beer brown to be vended and ſold in place of two merks formerly upon the boll of malt and ſicklike the exciſe of three ſhilling Scots upon each pint of aquavitæ or ſtrong waters made of malt brown and ſold within this Kingdom to be payed by the retaillers conform to the Acts of Parliament and the other duties mentioned in the ſaid tack which was to continue and indure for five years after their entry thereto which is by the ſaid tack declared to begin upon the first day of March I^{m} vj^{c} and ninety nine years incluſive Reſerveing and Declaring alwayes as it is thereby reſerved and declared For the which causes the said Sir William Meinzies and Alexander Wood as prin-

cipals and Alexander Meinzies of Culterawes and Jasper Johnstoun of Waristoun now deceaſed as Cautioners for and with them Oblidged themſelves conjunctly and ſeverally their heirs executors and ſucceſsors to have payed to the said Lords Commiſsioners of Thesaury and their ſucceſsors in office or to any other haveing power from them the ſum of Fourty thousand pounds Sterling by four quarterly payments each year in manner more fully expreſsed in the ſaid tack With the sum of One thousand and five hundred pounds Sterling of liquidat penalty toties quoties in caſe of failzie in not thankful payment of each quarters duty and by and attour payment thereof as the ſaid tack of the date foreſaid containing therein [an oblidgement] by the ſaid tacksmen to relieve their cautioners abovenamed with ſeveral other clauſes inſert and regiſtred in the books of Exchequer upon the ninth day of February I^m vj^c^ and ninety nine years more fully bears And also produced in presence of the ſaid high Court of Parliament An minut of agreement of the date the first day of September I^m vj^c^ and ninety eight years betwixt the ſaid Sir William Meinzies the ſaid deceaſed Sir James Oswald of Fingeltoun the ſaid Mr Archbald Dunbar of Thundertoun and the ſaid umq^ll^ Alexander Wood on the one and other parts whereby they band and oblidged them not only to bear a proportional burthen of the tack duty of the ſaid annexed exciſe of three pennies upon the pint of ale and the exciſe of brandy and ſtrong waters conform to the Acts of Parliament as the ſame was then ſet to the ſaid Sir William Meinzies and of any disadvantage and loſs that ſhould happen But likewayes ſhould either be bound and give ſufficient ſecurity to the publick for their respective proportions of the tack duty or otherwayes in caſe any of the said partners ſhould not be concerned in the ſecurity given to the publick, then they ſhould be bound and give ſecurity to the rest of the partners for their respective ſhares that they ſhould be concerned in as the ſaid Minut of agreement regiſtred on the ſeventh day of February I^m vj^c^ and ninety nine years in the books of Exchequer also more fully bears And the said Archbald Dunbar of Thundertoun George Oswald Jasper Wood alias Johnſtoun Defenders at the first calling of the said summonds in the uſual manner at the great gate of the Parliament houſe conform to the Act of Parliament Compearing by Mr Francis Grant advocat their procurator And the ſaid Johnstoun relict of the ſaid Alexander Wood Compearing at the same time by Mr Alexander Ferguſon of Isle her procurator The foresaid ſummonds executions thereof and writs produced for the pursuer were then ordained to be given out to the ſaid Mr Francis Grant to ſee And the same being accordingly given out by the ſaid Mr John Meinzies the purſuer's procurator they were seen and returned by the said Mr Francis Grant for Miſtreſs Wood only And the said ſummonds and action being this day again moved in preſence of her Majeſties high Commiſsioner and the Eſtates of Parliament They Remitted and do hereby Remit the abovementioned cause to be determined by the Lords of Seſsion ſummarly without abideing the course of the roll.

MOVED that the Parliament take to consideration the report of the Commiſsion for publick accounts in relation to the Lord Belhaven's tack of exciſe; Ordered that the ſame be under consideration the next Sederunt to be appointed for privat buſineſs. [Order of procedure]

MOVED That for expediting of buſineſs The Lord Chancellour appoint Petitions to be read conform to their order in the roll of privat buſineſs, and the same agreed to.

PETITION for Walter Lockhart of Kirktoun moved, and a further sist of all execution against him for the ſums contained in his Petition granted. [Walter Lockhart of Kirktoun]

PETITION for the Counteſs of Seaforth against the Earl of Cromarty and Kenneth Mackenzie again read, And after debate the ſame remitted to the Lords of Seſsion to be diſcuſsed by them ſummarly without abideing the course of the roll, Which remit is as follows.

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Frances Counteſs douager of Seaforth Humbly Shewing unto them That her case being wholly extraordinary and ſuch as requires a speedy remedy not to be obtained but by the justice and favor of the Lord Commiſsioner his Grace and the Eſtates of Parliament The petitioner must in all humility repreſent the ſame as follows, She was married to the late Earl of Seaforth in the year and by articles of marriage agreed with the conſent of all friends there was to be ſettled upon her an annuity for her lifetime of One thouſand pounds Sterling yearly out of the Estate of Seaforth, For performance of these articles and by the advice of the beſt Lawyers in Scotland it was agreed that Iſobell Counteſs Douager of Seaforth Mother to the said Earl the petitioners husband and in whose person the right to the nine preferable appriseings of the Eſtate of Seaforth was conveyed should make the petitioner a ſettlement for the ſaid thousand pound Sterling jointure in the terms of the articles And accordingly the ſaid Settlement was made wherein all these appriseings are mentioned with their conveyances in the person of the Earl of Cromarty and other truſtees and Remit to the Seſsion the Counteſs of Seaforth against the Earl of Cromarty and Kenneth Mackenzie

from the ſaid truſtees to Mr Kenneth Mackenzie and from Mr Kenneth Mackenzie to the old Counteſs who thereupon Dispones to the petitioner the foresaid annuity of one thousand pounds Sterling of jointure and aſsignes her for that effect to the foresaid appriseings and infeftments thereon and to the dispositions and procuratories granted by the appriſers And alſo by the ſaid truſtees and upon the ſaid dispoſitions and procuratories the petitioner is infeft under the great Seal And her infeftment being thus expede was ſent to her friends in England as an undoubted and unqueſtionable ſecurity, But when it pleaſed God to remove the Earl her huſband by death in the year and when thereupon the petitioner expected to enter to the poſseſsion of her ſaid jointure she was refused and thereupon neceſsitated to ſend for her infeftments from England and to raiſe Summonds of poinding the ground and of maills and duties before the Lords of Seſsion And further when she insiſted in the ſaid Summonds the Lord Preſtounhall Compearing with an adjudication led against the old Counteſs and the petitioner's foreſaid huſband as charged to enter heir pretended her infeftment was a non habente potestatem, And that he had the only preferable right becauſe the petitioner did not produce the foresaid appriſeings and the conveyances thereof to the old Counteſs the petitioner's author whereupon her right and infeftment was founded Albeit it was manifeſt to all that theſe appriſeings and conveyances being the great ſecurity of the fee of the Eſtate could not be in the petitioner's hands who had only right to a liferent annuity and for which ſhe had all reaſon to repose an intire confidence in the old Counteſs her mother in law and the other friends that they would preserve those appriseings and the conveyances thereof for the ſecurity of the fee and also for her said liferent annuity; But the petitioner being thus disappointed and neceſsitat to take out diligences for recovering of the ſaid appriſeings and conveyances thereof all that ſhe obtained thereby was to get the Lord Cromartie's oath and deposition who deponed fairly and honestly upon his foresaid trust and upon the conveyance that he and the other trustees had made in favors of Kenneth Mackenzie, As also to get Kenneth Mackenzie's oath and depoſition how he was denuded in favors of the old Counteſs the purſuers immediat author, but as for the old Counteſs her ſelf her oath and depoſition availed the petitioner nothing ſince ſhe disowned the haveing of tnese rights the petitioner wanted, Whereupon ſhe was neceſsitat to raiſe a new Summonds for makeing up the conveyances ſhe wanted either by obtaining the Earl of Cromarty and the ſaid Kenneth Mackenzie to renew their deeds that were wanting according to their foresaid depoſitions otherwayes to have the tenor thereof made up as the ſame was fully libelled in the Summonds raiſed for that effect, And in this Summonds the petitioner inſiſted with all diligence, but not being able to have the cause decided this laſt Seſsion she was left in an uncertainty that is but too obvious, She needs not tell his Grace and their Lordſhips what trouble and vaſt expence this affair has coaſt her a ſtranger now these years bypaſt and how that if it had not been first by the favour and equity of the Lords of Seſsion and next by the justice and equity of the Estates of Parliament that ſhe had got an aliment of five hundred pounds Sterling yearly decerned to her dureing the dependence of her cauſe ſhe had been reduced to the greateſt extremities Likeas even at present her neceſsities through bad payment are greater than ſhe is willing to profeſs But that which ſhe must lay before his Grace and their Lordſhips with all ſubmiſsion is That they may observe by the premiſses that all her ſecurity depends upon the renewing of the foresaid deeds of conveyance by the Lord Cromarty and Kenneth Mackenzie conform to their oaths and declarations emitted thereanent, So that if they ſhould come to die as all are mortal before the next winter Seſsion the petitioner must inevitably loſs her jointure right for ever unleſs his Grace and their Lordſhips in whose power it only is do provide a remedy And Therefore Craveing His Grace and the honourable Eſtates of Parliament to take the premiſses to their conſideration and ſince the petitioner has advanced her affair as much as poſsible before the Lords of Seſsion and that ſhe is alſo hopefull that the Lord Cromarty is willing to renew his deed conform to his oath and declaration emitted thereanent and that Kenneth Mackenzie will do the ſame if authorized and ordained thereto by his Grace and the honourable Eſtates to Grant Warrand to Cite the ſaid Earl of Cromarty and Kenneth Mackenzie before his Grace and the honourable Eſtates for the effect foresaid, to prevent the irreparable hazard of their deaths, Which his Grace and the honourable Eſtates of Parliaments juſtice can only supply in the manner abovementioned according to juſtice as the ſaid petition bears. Which being upon the eight day of August instant considered by her Majeſties high Commiſsioner and the ſaid Eſtates They Ordained the Earl of Cromarty and the abovenamed Kenneth Mackenzie and others concerned to ſee and answer the same And thereafter on the twenty ſecond day of this ſaid moneth of August They ordained the Earl of Cromarty and the ſaid Kenneth Mackenzie to ſee and answer against the ſecond Sederunt of the then next week with certification And this day Her Majesties high Commiſsioner and the ſaid Eſtates of Parliament haveing again considered the ſaid petition and being therewith well and ripely adviſed They Remitted and do hereby Remit to the Lords of Seſsion to diſcuſs the action abovementioned, ſummarly without abideing the course of the roll.

ORDERED That the third Sederunt next week be for privat buſineſs.

[A Maiden Hospital] OVERTURE for an Act in favors of a Maiden hospital, read and a first reading marked thereon.

[Lord Kinnaird] PETITION for Patrick Lord Kinnaird again read and the ſame delayed till the next Sederunt for privat buſineſs that the creditors may see and answer the said petition.

[Sir Walter Seton ag^t Robert Malloch] MOVED That the proceſs at Sir Walter Setons inſtance against Robert Malloch and others be now under consideration, And agreed that the ſame be considered the next Sederunt for privat buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Papers anent the Plot] HER Majesties Commiſsioner acquainted the Parliament with her Majeſties answer to the Addreſs and ſignified that he had received ſome papers which had been before the Houſe of Lords which were now in the hands of the Earl of Loudoun Lord Secretary and that he expected the reſt; And the ſaid papers were given in by the Lord Secretary to the Lord Clerk Regiſter.

MOVED that the Addreſs to her Majeſtie laſt Seſsion of Parliament may be read, and the same accordingly done.

MOVED that the ſchedule or inventar of the papers produced be read, and the same accordingly read.

MOVED that such papers as are now transmitted being in bundles may be opened that it may be known whither the same be originals or only copies and the bundles being opened ſome of them were read.

ORDERED that Colin Campbell of Glendarule Mackleod one of the Captains of her Majesties foot guards and George Mackenzie ſon to George Mackenzie in Stonehaven be cited to compear before the Parliament against the third Sederunt next week in order to their examination and that warrand be granted for that effect which was accordingly done.

ORDERED that the Clerks of Council transmit what papers are in their hands relating to that matter against the said day.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Addreſs to her Majesty laſt Seſsion of Parliament in relation to what was called in England The Scotiſh Conspiracy may be printed, and the ſame agreed to. [Anent the Plot]

OVERTURE for an Act and Commiſsion for plantation of kirks and valuation of teinds preſented and ordered to be printed. [Commiſsion of Teinds]

OVERTURE for an Act and Commiſsion for viſiteing Schools and Colledges ordered to be printed. [Visiting Schools & Colleges]

OVERTURE for an Act Dischargeing the Peers and others going into England without leave of the Privy Council read and ordered to be printed. [Discharging Peers going to England]

OVERTURE for an Act in favors of the patrons and heretors of the ſhire of Argyle ordered to be printed. [Patrons of the Shire of Argyle]

PETITION for the Earl of Sutherland read Craveing he may be brought in pari paſsu with the Duke of Atholl and Marqueſs of Lothian and others to affect Sir William Meinzies's fund for payment and ſatisfaction of his arrears, And after some debate the petitioner acquiesced to the preferences granted to the forenamed persons on that fund, but craved that he may be preferred to some other publick fund. [Earl of Sutherland &c.]

MOVED that a day be appointed for takeing the report of the Commiſsion for publick accounts which were remitted to the ſaid Commiſsion and the third Sederunt next week appointed for receiveing the said report, At which time the Earl of Sutherlands petition to be under consideration and all persons haveing pretences to the publick funds to be then heard. [Publick Accounts]

THEN the Parliament proceeded to the consideration of the Act for a treaty with England And after some amendments made upon the clauſe con- [Treaty with England]

taining the powers to be given to the Commiſsioners, the ſame was approven.

MOVED that there be an addition to the said clause in thir terms That the Union to be treated on ſhall not derogat any wayes from any fundamental laws ancient priviledges offices rights dignities and liberties of this Kingdom, And after debate it was put to the vote Add the clauſe or not and Carried in the negative.

THE further consideration of the Act delayed till next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER 1, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Treaty with England] THEN the Parliament proceeded upon a Draught of the Act for a treaty with the Kingdom of England, and the Act read, also the clause presented by the Duke of Atholl relative thereto read, and moved that the ſame be added to the Act.

MOVED that the first part of the said clause rescinding that part of the English Act declaring the Subjects of Scotland to be Aliens after the twenty fifth of December I^m^ vij^c^ and five be first under the Parliaments consideration which was agreed to.

THEREAFTER moved that the Act for a treaty be plain and ſimple without qualities and that the ſentiment of the Nation concerning the clause in the Engliſh Act declaring the Subjects of Scotland to be Aliens be considered in a seperat way other than by this Act of treaty.

AFTER reasoning It was agreed to by the Eſtates of Parliament That the clause in the Engliſh Act declaring the Scots Aliens be reſcinded before the Treaty of Un on commence.

THEREAFTER the clause given in by the Duke of Atholl read being in these terms Providing alwayes that the ſaid Commiſsioners shall not go furth of this Kingdom to enter into any treaty with these to be appointed for England untill there shall be an act past by the Parliament of England rescinding that clause in the English Act by which it was enacted That the Subjects of Scotland ſhall be adjudged and taken as Aliens after the twenty fifth of December I^m^ vij^c^ and five; And a vote was thereupon ſtated Add the clause to this Act or do it by a seperat way.

Protestation the Duke of Atholl and others concerning the Act for a treaty with England

BEFORE voteing the Duke of Atholl gave in a Protestation in these terms In regaird that by an English Act of Parliament made in the laſt Seſsion thereof intituled Act for the effectual secureing the Kingdom of England from the apparent dangers that may arise from several acts lately past in the Parliament of Scotland, The Subjects of this Kingdom are to be adjudged Aliens born out of the alleadgeance of the Queen as Queen of England after the twenty fifth of December I^m^ vij^c^ and five I do therefore Protest for my self and in name and behalf of all who do adhere to this my protestation that for ſaveing the honour and interest of her Majesty as Queen of this Kingdom and maintaining and preſerveing the undoubted rights and priviledges of her Subjects no act for a treaty with England ought to paſs in this houſe unleſs a clause be adjected thereto Prohibiteing and Dischargeing the Commiſsioners that may be nominat and appointed for carrieing on the said treaty to depart the Kingdom in order thereto untill the said clauſe be Repealed and Rescinded by the Parliament of England And do therefore Desire this my Protestation may be marked and recorded in the Records of Parliament Which protestation being read, The said Duke of Atholl did take inſtruments thereupon And the same was adhered to by the persons following viz. Of the Nobility the Duke of Hamilton, the Marqueſses of Montrose and Tweeddale the Earls of Erroll Mariſchall Rotheſs Home Wigtoun Strathmore Roxburgh Haddinton Selkirk Aberdeen Ruglen and Bute The Viſcount of Stormont The Lord Saltoun the Lord Semple, the Lord Balmerinoch the Lord Blantyre the Lord Pitsligo the Lord Belhaven the Lord Colvill and the Lord Kinnaird Of the Barons George Lockhart of Carnwath Sir James Foulis of Colingtoun Sir Robert Sinclair of Longformacus Sir John Swintoun of that Ilk Sir Patrick Home of Rentoun George Baillie of Jerveswood, John Sinclair younger of Stevenstoun Mr Alexander Ferguſon of Isle John Birſbane younger of Biſhoptoun Mr Wm Cochran of Kilmaronock Sir Humphray Colquhoun of Luſs Sir John Houstoun of that Ilk John Graham of Killearn James Grahame of Buchlivie Robert Rollo of Powhouse Sir Patrick Murray of Ochtertyre John Murray of Strowan Sir David Ramsay of Balmaine Alexander Gordon of Pitlurg John Udney of that Ilk James Moir of Stonywood Ludovick Grant of that Ilk David Bethun of Balfour Major Henry Balfour of Dunboug Robert Douglaſs of Strahendry, Mr Patrick Lyon of Auchterhouſe Mr James Carnegy of Finhaven James Halyburton of Pitcurr David Grahame younger of Fintrie James Ogilvie younger of Boynd Alexander Duff

of Bracoe Alex[r] Mackghie of Palgoun Sir George Sinclair of Clyth James Sinclair of Stempster Mr Alexander Abercrombie of Tillibody Mr George Mackenzie of Inchculter and Mr Æneas Mackleod of Cadboill Of the Royal Burrows Alexander Robertson Alexander Watson Alexander Edgar Patrick Bruce Alexander Duff Sir John Erskine James Spittle Francis Molison Sir Peter Halkat John Hutcheson Mr William Sutherland Mr John Lyon Mr Dougald Steuart Sir Robert Anstruther Mr John Carruthers George Home M[r] James Bethun and M[r] Robert Fraser.

THEN the vote was stated Add the clause to this Act or do it by a seperat way and Carried by a seperat way.

MOVED that the Parliament now proceed to consider the way of the nomination of the Commissioners for the Treaty Whither the same shall be left to her Majesty or be done by the Estates of Parliament.

ALSO moved that it being now late the further proceeding on this Act be delayed till the next Sederunt And the vote being stated Proceed on this Act or Delay, carried Proceed.

THEREAFTER the vote was stated Leave the nomination of the Commissioners to the Queen or to be done by the Estates of Parliament and Carried to be left to the Queen.

THEN the Act again read, and put to the vote Approve or Not.

Protestation The Duke of Atholl and others against approveing the Act for a treaty with England

BEFORE voteing the said Duke of Atholl Protested against approveing the Act in respect of the reasons contained in his former Protestation which was also adhered to by the persons following Of the Nobility The Marqueses of Montrose and Tweeddale The Earls of Erroll Marischall Rothes Home Wigtoun Strathmore Roxburgh Hadinton Selkirk Aberdeen and Ruglen, The Viscount of Stormont, The Lord Saltoun the Lord Semple the Lord Balmerinoch the Lord Blantyre the Lord Pitsligo the Lord Belhaven the Lord Colvill and the Lord Kinnaird, Of the Barons George Lockhart of Carnwath Sir Patrick Home of Rentoun George Baillie of Jerveswood John Sinclair younger of Stevenstoun M[r] Alexander Ferguson of Isle John Birsbane younger of Bishoptoun M[r] William Cochran of Kilmaronock Sir Humphray Colquhoun of Luss Sir John Houstoun of that Ilk John Grahame of Killearn James Grahame of Buchlivie Robert Rollo of Powhouse Sir Patrick Murray of Ochtertyre John Murray of Strowan Alexander Gordon of Pitlurg John Udney of that Ilk James Moir of Stonywood Ludovick Grant of that Ilk David Bethun of Balfour Major Henry Balfour of Dunboug Robert Douglass of Strahendrie M[r] Patrick Lyon of Auchterhouse M[r] James Carnegie of Finhaven James Halyburton of Pitcurr David Grahame younger of Fintrie James Ogilvie younger of Boynd Alexander Duff of Bracoe Alexander Mackghie of Palgoun Sir George Sinclair of Clyth James Sinclair of Stempster Mr Alexander Abercrombie of Tullibody Mr George Mackenzie of Inchculter and Mr Æneas Mackleod of Cadboill Of the Royal Burrows Alexander Robertson Alexander Watson Alexander Edgar Patrick Bruce Alexander Duff Sir John Erskine James Spittle Sir Peter Halkat Francis Molison John Hutcheson Mr William Sutherland Mr John Lyon Mr Dougald Steuart Sir Robert Anstruther Mr John Carruthers George Home M[r] James Bethun and M[r] Robert Fraser.

THEN the vote was stated Approve the Act or Not, and carried Approve.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

SEPTEMBER IV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for the Earl of Buchan Craveing a competent time to enter heir cum beneficio Inventarii to his predecessors last infeft read, and ordered that the same ly upon the table till the third Sederunt this week appointed for privat business to the effect all persons haveing interest may see and answer the same against the said diet. [Earl of Buchan]

THE Draught of an Address to her Majestie presented by the Earl of Sutherland read. [Draughts of an Address]

ANOTHER Address to her Majesty presented by the Laird of Saltoun read.

OVERTURE of an Act Ordaining and Enacting that the Commissioners to be named by her Majesty for the part of Scotland shall not enter upon a treaty till the clause in the English act Declaring us Aliens be rescinded, read.

MOVED That the Parliament proceed in this matter by way of order of Parliament and by addressing her Majesty and not by way of Act of Parliament And after debate It was put to the vote Proceed by way of Order and Address, or by way of Act and Address, and carried by way of Order and Address.

Order concerning the Treaty

THEN Agreed and Ordered by the Estates of Parliament nemine contradicente That the Commiſsioners to be named by her Majesty for the Kingdom of Scotland ſhall not commence the Treaty of Union untill the clauſe in the Engliſh act Declaring the Subjects of Scotland aliens be reſcinded.

THEREAFTER the Parliament proceeded to consider the Draught of the Addreſs to her Majesty that was first given in And after some amendments thereon It was put to the vote Approve the Addreſs or Not and carried Approve nemine contradicente, Of which Addreſs the tenor follows.

Addreſs by the Parliament to the Queen concerning the Treaty with England

May it please your Majesty

WE your Majesties most loyal and dutiful Subjects The Noblemen Barons and Burgeſses aſsembled in Parliament do in all humility represent to your Majesty that in compliance with the deſire of your Majesties royal Letter, whereby you earnestly recommend to us to paſs an act for a Commiſsion to ſet a treaty on foot betwixt the Kingdoms of Scotland and England and for a nearer and more compleat Union between them and for such other matters and things as may be judged proper for your Majesties honour, and the good and advantage of both Kingdoms for ever; We have by our vote agreed to the paſsing of the said act in the most fair and equal terms that could be expected, leaving to your Majesty the nomination of the Commiſsioners for this Kingdom and the time and place of their meeting with the Commiſsioners of England.

BUT tho We have in that Act forborn to take any notice of a clauſe in a late Act of the Parliament of England intituled An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately past in the Parliament of Scotland By which clauſe the natives of this your ancient Kingdom of Scotland are after the twenty fifth day of December next to be adjudged and taken as aliens born out of the alleadgeance of the Queen of England; yet we cannot but with all submiſsion signify to your Majesty as Sovereign of both Kingdoms that we and the whole Nation whom we represent are most sensible of the great injury done us by that clause whereby we are denyed the right & priviledge in England which the natives of England do injoy in Scotland and which we have constantly injoyed in England as a legal and neceſsary consequence of our being natural born ſubjects of the same Sovereign and hath alwayes been suſtained as a mutual priviledge in the Courts and Judicatures of both Nations. For which reaſon We have found it absolutely neceſsary for maintaining the honour of this Nation to agree and order unanimously That the Commiſsioners to be nominat by your Majesty for this Kingdom shall not commence any treaty with England untill first the ſaid clauſe in the Engliſh act be repealed.

WE must therefore in all humility intreat and hope from your Majesties goodneſs and justice That in your Royal wisdom you will take ſuch course as the ſaid clauſe in the Act of the Engliſh Parliament may be repealed, to the effect the foresaid treaty of Union so much desired may commence and proceed with the wiſhed for ſucceſs.

Subscribed in presence by Warrand, and in name of the Estates of Parliament
By
May it please your Majesty
Your Majesties most humble most obedient and most faithful subject and servant
Sic subscribitur SEAFIELD Cancellar.
Edinburgh, I. P. D. P.
September 4th 1705.

OVERTURE for an Act for encourageing the exportation of beef and pork read, and a first reading marked thereon. [Exporting of Beef & Pork]

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER V, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED by the Duke of Atholl That it be recommended to her Majesties high Commiſsioner to present the Addreſs which was approven the last day to her Majesty as his Grace ſhall ſee it proper and convenient and the motion agreed to. [Presenting the Addreſs]

OVERTURE for an Act prohibiting and diſchargeing the importation of all merchandice and other commodities from England after the twenty fifth of December next ay and untill the prohibitory clauſes in the Engliſh Act of Parliament be repealed read and a first reading marked thereon. [Importing of Merchandise]

OVERTURE for an Act anent the exportation of Wool and Skins read and a first reading marked thereon. [Exporting of Wool]

OVERTURE for an Act diſchargeing the importation of Engliſh or Iriſh tanned leather read and a first reading marked thereon. [Tanned Leather]

[Wool and Linnen manufacture] OVERTURE for an Act takeing off the duty of Wool and Linnen manufacture read, and a first reading marked thereon.

[Anent Foreign Treaties] OVERTURE for an Act for sending ambaſsadours from this Kingdom to forreign treaties read, and a first reading marked thereon and ordered that the ſame be printed.

[Victualing of Ships] OVERTURE for an Act diſchargeing the victualling of ſhips of this Nation outward bound with Iriſh or forreign beef or provideing themſelves with forreign ſmall beer read, and a first reading marked thereon.

[Discharging Peers going to England] OVERTURE for an Act diſchargeing the Peers of this Kingdom their going into England without leave of the Privy Council again read, And being moved that it have a first reading, It was put to the vote Mark a first reading or not and Carried in the negative.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent a Supply] PROPOSAL anent the arming and training of an army of Seventy two thousand foot and eight thousand horse by raiſeing of a moneth and half moneth's supply read and ordered to be printed.

ORDERED that Colin Campbell of Glenderule and Neil Mackleod one of the Captains of her Majeſties foot guards and George Mackenzie ſon to George Mackenzie in Stonhyve who were cited before the Parliament do attend the further diets thereof.

[Ratifications & Fairs] ORDERED that the Ratifications and Warrands for fairs to be given in this Seſsion of Parliament be ready to be presented the third Sederunt next week And her Majeſties high Commiſsioner appoints the Lord Advocat the Lord Theſaurer depute and Lord Juſtice Clerk or any two of them to reviſe the same.

[Public Accounts] ORDERED that the said Sederunt next week be for receiveing the report of the Commiſsion for publick accounts and that petitions relating thereto come in according to the order of the said report.

PROCESS Sir Walter Seton against Malloch and others called And parties pro[rs] being heard as to the ſeeing of the proceſs The Parliament refused to allow the defenders to ſee the ſame in regaird they did not call for it debito tempore And the procurators being further heard whither a personall protection ſhall be granted to the purſuer or not, After the Parliament's reasoning thereon They in reſpect of his special circumstances granted to him a personal protection Reſerveing to the Creditors to inſiſt by way of reduction before the Judge Ordinary of any deed done in their prejudice.

MOVED that he be oblidged to give his oath before the Lord Chancellour whither he hath made any fraudulent conveyance or not and that before Extracting.

MOVED alſo That his protection be given ſimply without any ſuch quality And after debate it was put to the vote Simply or with a Quality, and carried Simply.

THEN agreed that this protection continue till recalled by the Parliament, Which Protection is as follows.

Protection Sir Walter Seton ag[t] his Creditors

ANENT the Summonds raised and granted conform to the Act of Parliament by deliverance of the Lords of Council and Seſsion and purſued before the Parliament at the instance of Sir Walter Seton Advocat against his Creditors and their factor afternamed viz. Robert Malloch merchant in Edinburgh Alexander Broun merchant there Margaret Blyth daughter lawful to the deceaſed M[r] Henry Blyth Doctor of Medecine M[r] Andrew Handieside Writer in Edinburgh her factor for his intereſt Margaret Kilpatrick relict of the deceased William Dick Writer there and M[r] James Kilpatrick late Schoolmaſter in Ireland Makeing mention That where the pursuer being in his younger years induced to ſign some bonds either with or for his father albeit it be notour that the pursuer never had any portion from him The ſaid purſuer thereby and by other ingagements of his own through the ſeverity of his Creditors is reduced to difficulties and cannot have personal freedom to prosecute his affairs unleſs a protection be granted to the pursuer by the Parliament And seeing in order thereto it is neceſsar that the ſaid purſuers Creditors or their factors be cited before the Parliament in manner prescribed by the ſecond Act fifth Seſsion of King William's Parliament He had therefor Craved the Lords of Council and Seſsion would grant Warrand to the pursuer to have Letters directed for citeing his Creditors afternamed before the then ensuing Court of Parliament to the effect aftermentioned Which the said Lords by their deliverance of the date the twenty ſeventh day of June laſt granted warrand for to the effect

after expreſsed And anent the Charge given in manner underwritten by vertue of the ſaid Summonds to the forenamed defenders to have compeared before the said high Court of Parliament at an certain day now bygone with continuation of dayes to have answered at the inſtance of the said pursuer That is to say to have heard & ſeen an protection granted by the Parliament in favors of the ſaid pursuer in order to his haveing personal freedom to prosecute his affairs as in the ſaid Summonds and Executions thereof more fully is contained The said pursuer Compearing by Mr Francis Grant Advocat his procurator And the ſaid haill Defenders being absent at first calling of the ſaid Summonds in manner aftermentioned But thereafter at calling thereof this day the said Robert Malloch Alexander Broun Margaret Blyth and Mr Andrew Handieside her factor Compearing by Mr David Forbes Advocat their procurator The foresaid Summonds and Executions thereof with the alleadgeances of both parties compearing as ſaid is and the abſence of the said Mr James and Margaret Kilpatricks two of the defenders being all at length heard ſeen and considered by her Majesties high Commiſsioner and the Eſtates of Parliament and they being therewith well and ripely advised her Majesty with advice and consent of the said Eſtates Granted and hereby Grants personal protection to the pursuer for any civil cause or debt whatsoever ay and while the Parliament recall the ſame Because the forenamed Defenders being all lawfully Cited conform to the said Summonds by an Meſsenger at Arms in manner underwritten viz. the said Robert Malloch Alexander Broun Margaret Kilpatrick and Mr Andrew Handieſide factor foresaid all personally apprehended in Edinburgh and the ſaid Margaret Blyth and Mr James Kilpatrick as being presently furth of this Kingdom by open proclamation at the Mercat Croſs of Edinburgh and peir and ſhoar of Leith to have compeared at a certain day now bygone with continuation of dayes before the high Court of Parliament to have answered at the inſtance of the ſaid pursuer and to have heard and ſeen protection granted by the Parliament in his favors in order to his haveing personal freedom to prosecute his affairs or else to have shown an reasonable cause in the contrare with certification to them if they failzied Her Majeſty and her high Commiſsioner and Eſtates of Parliament would grant the pursuer a protection in the terms of the Act of Parliament After elapseing of the said day of compearance the foresaid Summonds was in the terms of the Act of Parliament after opening the house and before ſitting down of the Parliament called at the patent gate of the Parliament House But there being no compearance made then for the defenders The ſaid ſummonds and cauſe was this day again called in the usual manner in preſence of her Majesties high Commiſsioner and the Eſtates of Parliament where the said Mr Francis Grant Compeared for the pursuer And the said Mr David Forbes Compearing for the said Robert Malloch Alexander Broun Margaret Blyth and Mr Andrew Handieside her factor did for them Crave to see the Proceſs To which it was answered by the ſaid Mr Francis Grant That the defenders cannot now claim to see the proceſs in hoc ſtatu when the proceſs is come in to be adviſed and he ought to have compeared at first calling and then craved to see the proceſs and therefore the dilator ought to be repelled Whereupon her Majeſties high Commiſsioner and the Estates of Parliament Repelled the alleadgeance and refused to allow them to ſee the proceſs Thereafter the said Mr David Forbes alleadged that the Defenders for whom he Compears are Creditors to the pursuer and that he has made fraudulent conveyances in prejudice of his Creditors and therefore ought not to have a protection Whereunto the said Mr Francis Grant answered, and denyed that the ſaid purſuer had made any disposition in prejudice of his Creditors, and that it is ſtill intire to quarrell any dispoſition that is made by the purſuer in favors of his Creditors as accords With which debate abovewritten and with the absence of the said Margaret and Mr James Kilpatrick two of the defenders tho lawfully cited and oft times called to have compeared and defended in the ſaid matter as said is Her Mats high Commiſsioner and the said Eſtates being ripely adviſed They granted personal protection to the pursuer for any civil cause or debt whatsoever in manner foresaid ay and while the Parliament recall the ſame.

PETITION for Patrick Lord Kinnaird continued till next Sederunt for privat buſineſs and to be then first under consideration. [Patrick Lord Kinnaird]

PETITION for Collonell Patrick Ogilvie and others for preventing the importation of Iriſh victual read, And after debate agreed that the same be under the consideration of the Parliament the first Sederunt after the Act of Supply shall be finished. [Colonel Patrick Ogilvie]

PETITION for the Earl of Buchan again read And after reaſoning thereon It was put to the vote Grant a year to the petitioner to enter heir to his predeceſsors who died laſt infeft for the ends contained in his petition or Not and carried Grant as follows.

HER Majesties high Commiſsioner and Eſtates of Parliament haveing heard the petition of David Earl of Buchan Humbly Shewing unto them That where by the twenty fourth Act of the fifth Seſsion of the first Parliament of his late Majesty King William It is Statute and Ordained that any apparent heir ſhall have free liberty and acceſs to enter to his predeceſsor cum beneficio Inventarii as use is in Executory and moveables allowing ſtill Act in favors of the Earl of Buchan

to the said apparent heir year and day to deliberat in which time he may make up the foresaid Inventory, And the deceaſed William Earl of Buchan the petitioners immediat predeceſsor haveing died ſoon after the ſaid Act before expireing of the year and day thereby allowed without entering to his predeceſsor in the terms thereof The petitioner being the next apparent heir was hindered from entering by his absence out of the Kingdom for near the space of two years thereafter, as is very well known to ſeveral members of this honourable houſe And seeing that the petitioners entering now cum beneficio can inferr no prejudice to any person concerned more than the entering within year and day, and that it appertains only to the high Court of Parliament to give a further allowance to the petitioner in this matter Therefore Craveing his Grace and the right honourable the Estates of Parliament in consideration of the speciality of the petitioners case by reason of his absence out of the Kingdom abovementioned and that no person can be in the least prejudged by what is desired to allow yet a competent time to the petitioner to enter heir cum beneficio Inventarii in the terms of the said Act to his predeceſsor laſt infeft as his Grace and their Lordſhips should think fit, as the said petition bears. Which being upon the fourth of September inſtant read in preſence of her Majeſties high Commiſsioner and the said Estates They ordained any party concerned to answer thereto againſt the third meeting this week being the day appointed for privat buſineſs. And her Majeſties high Commiſsioner and the said Eſtates of Parliament haveing this day being their ſaid third meeting heard the ſaid petition again and being therewith well and ripely adviſed They Allowed and hereby Allow the petitioner a year from this date to enter heir to his predeceſsor laſt infeft cum beneficio Inventarii to the effect mentioned in the Act of Parliament made thereanent.

[Toun of Glasgow] OVERTURE for an Act in favors of the Toun of Glasgow for an imposition of two pennies upon the pint of all ale brown and vended within the ſaid Toun for payment of their debt, read.

[Royal Burrows] OVERTURE for an Act in favors of the Royal Burrows and others for the ſame impoſition also read.

[Toun of Glasgow] MOVED That a first reading be marked on the Act in favors of the Toun of Glaſgow, Also moved that a first reading be marked on the general Act, And after debate It was put to the vote Mark a first reading on the general or special Act, and carried Mark a first reading on the special Act.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Sir David Cunninghame of Milncraig] MOVED That the Petition for Sir David Cunninghame of Milnecraig anent the changeing of the high way about his house be read and agreed that the same be under consideration the first Sederunt after the Act of Supply ſhall be finiſhed previous to all other privat buſineſs.

[Packing of Pork] THEN the Parliament proceeded to consider the Act for the right cureing packing and pineing of beef and pork for exportation And after reading and some amendments made thereupon It was put to the vote Approve or Not and carried Approve.

PETITION for Captain Walter Lockhart again preſented and a further fiſt of execution granted to him, in manner following.

Act or Sist of Execution in favors of Captain Walter Lockhart of Kirktoun HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Petition of Captain Walter Lockhart of Kirktoun Humbly Shewing unto them That it is well known, and certain that the petitioner engaged both as a partner and collector in the Pole I^co vj^c^ and ninety three not with any deſign of advantage but to recover if poſsible payment of one thousand one hundred and ten pounds seventeen ſhilling ten pence Sterling of arrears due to him for his troop in the Lord Cardroſs's regiment of Dragoons raiſed upon the petitioner's own expence at the Revolution Upon which consideration in the whole management of the ſaid Pole the petitioner did behave himself with that compliance to all orders of the Commiſsion of Parliament about it and did acquit himself so faithfully as to his Collection which extended to about one thousand two hundred pounds Sterling, that he hath alwayes had the favour both of the Commiſsion and Parliament for the three hundred and fifty three pound Sterling of the ſaid One thousand & two hundred retained by him on the account of the ſaid arrears and therefore when the late Commiſsion of Parliament made their report They expreſsly Declared that the petitioner of all the Collectors had been most willing to obey the orders of the Commiſsion And when the foresaid Commiſsion was renewed in the Parliament I^co vj^c^ and one at which time the petitioner did petition that his case might be considered as to his arrears and in the mean time might be allowed to retain the remains of his collection then in his hand and that all diligence againſt him might be diſcharged, the Parliament

by their deliverance the twenty third of December I^m vij^c^ Ordained his petition to be ſeen and answered and in the mean time ſiſted Execution And then the Commiſsion that was renewed the first of February I^m vij^c^ and one they Impower and authorize them expreſsly to consider and determine upon his ſaid petition and grounds thereof which was a great advance in the petitioners favors and no doubt had taken effect if that Commiſsion had not been quickly thereafter diſsolved: And yet ſuch was their ſense of the petitioners case and their inclinations to do him justice that four of their number all of them yet alive did on the ſixteenth of December laſt Declare under their hand that they regarded the petitioners caſe as singularly recommended to them And that therefore when warrands were iſhued out against the Collectors none were iſhued out against him and that they did then resolve to take his case to their special conſideration on the account of what he had borrowed and advanced for the maintainence of his troop which had not been burdensome to the Country whereby there was more arrears due to him than to any other three troops in the Regiment and that the petitioner had made ready advances upon the Commiſsions orders, which had distinguished his case from that of others And therefore in complyance with the recommendation of Parliament They did allow the petitioner to give bond and caution till his case was fully determined And further that they were particularly deſigned to shew the petitioner favour when they allowed the thousand pounds Sterling of expences to the tacksmen and collectors of the Pole I^m vj^c^ and ninety three, as the declaration under their hands produced with the said petition testified By which His Grace and their Lordſhips might perceive how much the petitioners caſe did deſerve to be and hath all along been favoured Likeas he has been forced to pay in the two hundred and ten pounds Sterling for which the said bond and caution was granted. The petitioner might alſo represent to his Grace and their Lordſhips some other grounds of favour As first That ſome of the officers and others concerned in the Pole did by a write under their hand dated the eighteenth of December I^m vij^c^ and one years for certain reasons therein mentioned Consent that he ſhould retain the ſaid three hundred and fifty three pounds Sterling reſting of his said Collection for the arrears due him as the ſame produced alſo with the said petition teſtified And Secundo It cannot but also have weight with his Grace and their Lordſhips that upon the ſeventeenth day of July I^m vj^c^ and ninety five the petitioner was by a special Act of Parliament Recommended to the late Kings favour for reparation of the loſses he had ſuffered and did then represent to the Parliament as the foresaid Act and Recommendation bears, but did get nothing as yet, The petitioner might alſo tell his Grace and their Lordſhips that when the Parliament granted the present Commiſsion for publick accounts They provided that the proceedings already made by former Commiſsions of Parliament anent the Pole I^m vj^c^ and ninety three ſhould ſtand good And that the present Commiſsion ſhould proceed where the former left towards the concludeing of that affair by a just dividend And the petitioner does very thankfully acknowledge that this preſent Commiſsion has observed the injunction and has ſhewed him all favour on the grounds above mentioned; Only when the queſtion fell in about the stating of the dividend the Commiſsion judged that regiments ſhould be considered and not particular troops which proved a great hardship to the petitioner, And he ſtill humbly repreſents that by the very Act of Parliament I^m vj^c^ and ninety three impoſeing the Pole it is appropriated expreſsly for payment of the Country's arrears and for payment of all officers regiments and troops to be first brought up to an equal foot which the petitioner humbly conceives includes the caſe of his troop as distinct from the regiment and that he cannot be involved in the reckoning of the pay made to the regiment but ought to ſtand upon his own reckoning specially since the said Act of Parliament I^m vj^c^ and ninety three was made after diſsolveing of the regiment and that the former Commiſsion found that the reckoning ought to be made by troops So that it was ſtrange after so clear a proviſion made in the said Act in favors of officers and troops and when the petitioner instantly produces a diſtinct account of one thousand one hundred and ten pounds ſeventeen ſhilling Sterling due to him for his troop over and above any thing due to the Country and beſides the promiscuous payments made to the regiment, he ſhould now be included in the pay of the regiment wherein he is not nor was not then concerned, But beſides all the grounds above repreſented the petitioner has this yet to add That all he collected is really and truely counted for by him except the foreſaid three hundred fifty three pounds Sterling of which he has payed since One hundred & eighty five pounds ſeventeen ſhillings six pence Sterling conform to a decreet arbitral amongst the partners and Two hundred and ten pounds Sterling conform to a decreet of the Commiſsion extending in all to three hundred and ninety five pounds which is fourty two pounds more than ever he received All which grounds did appear ſo juſt and equitable to the foresaid Commiſsion that they haveing pleased to allow the petitioner to apply to his Grace and their Lordſhips for his just relief in this matter, And therefore ſeeing his case as a Collector hath been diſtinguiſhed and favourably regarded by the foresaid Commiſsion of Parliament and that it hath ſtill been thought reaſonable that the ſmall remains of the petitioners Collection ſtill in his hands ſhould

be allowed to him in part payment of his said great arrears and that on the dividend the petitioner has so juſt a claime for his troop diſtinct from the Regiment and that this his intereſt in the dividend is confirmed by the foresaid decreet arbitral As also that in his collection thereof he has given ſo honeſt and ſatisfieing an account and of the great and extraordinary pains he was put to in that matter Therefore Craveing his Grace and their Lordſhips in consideration of the haill premiſses to allow the petitioner to retain the foresaid three hundred and fifty three pounds Sterling as the remains of his collection in ſatiſfaction of the arrears due to him pro tanto and to diſcharge any caption or other diligence to be put to execution against him therefore and alſo to order payment to be made to the petitioner of what sum his Grace and their Lordships ſhould think fit for the great trouble and expence he was at in collecting the said pole money in the north the ſtormy winter I^{m} vj^{c} and ninety four being there from the twenty eight day of October I^{m} vj^{c} and ninety four to the twenty fourth day of February I^{m} vj^{c} and ninety five as the ſaid petition bears. With which petition there was produced for inſtructing thereof the foresaid Declaration founded on ſubscribed on the Sixteenth of December laſt by the Earls of Lauderdale and Leven Sir Francis Scot of Thirlestane and Mr James Hamilton of Bangour who were members then on life of the Commiſsion granted in the Parliament anno I^{m} and vij^{c} for the pole I^{m} vj^{c} and ninety three and gave conſtant attendence to the Sederunts of the ſaid Commiſsion and who thereby Declare in favors of the said Captain Walter Lockhart as is more fully exprest in their ſaid declaration And also the foresaid other declaration founded on ſubscribed on the eighteenth of December I^{m} vij^{c} and one years by ſome of the officers who have right to the arrears due to the army preceeding I^{m} vj^{c} and ninety one and to the pole money impoſed for payment thereof in the Parliament I^{m} vj^{c} and ninety three viz. the Laird of Grant Sir John Houstoun of that Ilk and Sir Robert Dickson who conform to their respective intereſts and proportions did thereby for the reaſons therein mentioned freely consent that the petitioner retain the said three hundred and fifty three pounds Sterling and that the same be allowed to Sir John Cochran and the other Collectors in part payment of the moneyes decerned to be payed in by them to the Clerk as the Armies caſhier for the ſaid pole I^{m} vj^{c} and ninety three Together with a memorial for the petitioner Bearing the balance of the petitioners arrears being diſtinguiſhed from the Lord Cardroſs's Dragoons in which he was a Captain to be one thouſand one hundred and ten pounds seventeen ſhillings and ten pence Sterling after deduceing of fourty eight pounds sixteen ſhillings and ten pence which the said troop owed to the Country, includeing his Sixth part of the promiscuous debt charged upon the regiment Which account is attested on the Sixth of September inſtant by William Seton younger of Pitmedden Mr Robert Fraser Mr John Clerk and Mr Dougald Steuart members of the Commiſsion appointed by the Parliament for auditing the publick accounts, And her Majesties high Commiſsioner and the ſaid Eſtates of Parliament haveing fully considered the ſaid petition on the day and date of thir preſents They Sisted and hereby Sist personal Execution for the sums therein contained ay and while the petitioner be heard upon the grounds of his said petition and memorial.

THE Act takeing off the duty of Linnen and Woollen manufacture that ſhall be exported, again read, And after some amendments it was put to the vote Approve the Act or Not and carried Approve. [Linen & Woollen manufacture]

ACT prohibiting and diſchargeing the importation of all merchandice and other commodities from England again read, And after debate it was put to the vote Proceed to a prohibition in general or of particulars, and carried to proceed to a prohibition of particulars. [Importation of merchandise from England]

MOVED that the importation of Tobacco from England be one of the particulars to be prohibited, and after debate it was put to the vote Prohibite or Not, and Carried in the negative. [Importation of Tobacco from England]

THE further consideration of the other particulars delayed till the next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for the Toun of Culroſs read, and all parties haveing intereſt ordained to ſee and answer against the third Sederunt next week appointed for privat buſineſs. [Toun of Culroſs]

ACT prohibiting the importation of commodities from England again read And after reasoning Recommended to the Council of trade to consider the branches of our commerce with England and other places and to bring in what overtures ſhall be proper for advanceing the trade of this Kingdom next Seſsion of Parliament Then the Parliament [Importation of Commodities from England]

proceeded to consider the Act of Supply which was again read And after reaſoning it was put to the vote Grant Six moneths Supply to her Majeſty extending to four hundreth and thirty two thousand and eight hundred pounds for maintaining the army garriſons and frigots for one year or Not and carried Grant Six moneths Supply for the ends foresaid.

AGREED that the Supply be payed at the terms following viz. Two moneths at Martinmaſs next Im vijc and five Two moneths at Candlemaſs Im vijc and six and two moneths at Lambmaſs thereafter.

MOVED that another months ſupply be granted for payment of four thousand eight hundred pounds to Mr James Anderson Writer to her Majeſties Signet and four thousand eight hundred pounds to Mr James Hodges conform to a vote in this Seſsion of Parliament and also for payment of two thousand and four hundred pounds to William Baine brother to the deceased James Baine Wright in part of the ſums due to the ſaid James Bayne by the Government and for outrigging her Majeſties ſhip the Royal William and for maintaining two Birlines to be keept upon the West coaſt for preventing the importation of Iriſh victual and other prohibite goods, and the term of payment of the said months supply to be Martinmaſs Im vijc and six And after reasoning upon the said motion it was put to the vote Approve or Not and carried Approve.

Recommendation to the Thesaury in favors of the Royal Burrows, Mr James Anderson, Mr James Hodges and William Bayne

THEN ordered that the Royal Burrows outrig the frigots and two Birlines with all convenience and Recommended to the Lords of Thesaury to Aſsigne ſo much of the said moneths Supply as shall be debursed by them for these ends As also Recommended to the Lords of Thesaury to aſsigne ſo much of the ſaid moneths Supply to the above persons as will satisfy the respective sums granted to them by the Parliament; And the Act of Supply haveing received some other amendments it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that additional Liſts of Commissioners for Supply be given in next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

SEPTEMBER XI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Sir David Cunninghame of Milnecraig for changeing the high way about his houſe again read, And after debate the desire of the petition granted under the proviſions and at the sight and to the satisfaction of such persons as contained in the deliverance upon the said petition, as follows.

Act in favors of Sir David Cunninghame of Milncraig

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of Sir David Cunninghame of Milncraig Humbly Shewing unto them That he having inclosed a considerable quantity of ground to the ſouth of his houſe of Livingstoun which will require the changeing of the high way, which at present goes straight by his door and is both uneasie to him and bad of it ſelf, a little more than what is allowed by the Act of Parliament albeit without any prejudice to travellers And seeing in former Parliaments the like incouragement has been given to inclosers and that the new way made by the petitioner is good and ſufficient and better than the former Therefore Craveing his Grace and honourable Eſtates to authorize and allow him to change the high way as it now goes from eaſt to weſt ſtraight by his house, to go straight ſouth from the ſouth corner of the eaſt dike of the petitioners present park along the new park dike and at the turning of the same to go weſt by the south ſide of Davidſtoun through the kirktoun of Livingstoun to the Lochshott where the former high way comes in and that no person going or comeing from eaſt to weſt or from weſt to eaſt make uſe of the former way under the penalties contained in the Acts of Parliament anent planting and incloseing of ground, and that the same may be printed and publiſhed, as the ſaid petition bears, Which her Majesties high Commiſsioner and the Eſtates of Parliament haveing on the ſeventh day of September instant heard and haveing declared they would take the same to their consideration before all other buſineſs the first Sederunt of Parliament after the Act for the Supply is finiſhed And haveing accordingly this day fully considered the same and being therewith well and ripely adviſed They Granted and hereby Grant the deſire thereof With this expreſs quality and proviſion That the petitioner before ſhutting up of the ſaid old high way make the foresaid new high way a sufficient high way in winter as well as summer of twenty foot broad except where it goes betwixt houſes at the ſight and to the satisfaction of the Earl of Hopetoun ſherif of

the ſhire, the Duke of Hamilton, the Marqueſs of Montrose, the Earl of Lauderdale and Lord Torphichen, or any three of them.

[Papers anent the Plot]

THE Lord Chancellour acquainted the Parliament that the rest of the papers relating to the late plot were now transmitted, And they ſhould be given in to the Lord Clerk Regiſter to the effect any member of Parliament may ſee the same.

[Publick Ministers for foreign treaties]

MOVED that the Act nameing publick Miniſters for Scotland to be present at forreign treaties wherein the Kingdom may be concerned be again read, which was accordingly done And after some debate and amendments made upon the Act it was put to the vote Approve the Act, or Delay the further consideration thereof, and carried Approve the Act.

OVERTURE for an Act appointing a fund for defraying the charges and expences of the publick Miniſters to be named by her Majeſtie to attend the forreign treaties, read, and a first reading marked thereon.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Thursday next at ten a clock.

SEPTEMBER XIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Mrs Jean Ramsay]

PETITION for Mistreſs Jean Ramsay daughter to the deceased Lieutennant General Ramsay read.

THEREAFTER an Overture for an Act in favors of the ſaid Miſtreſs Jean Ramsay read and a first reading ordered to be marked thereon.

[Anent an Additional Excise]

OVERTURE of an Act for an additional Exciſe presented by the Earl of Sutherland for satisfieing the arrears due to the officers who have served ſince the revolution read, and ordered to be printed.

[Charges of Publick Ministers]

THE Act appointing a fond for defraying the charges and expences of the publick Miniſters to be named by her Majesty to attend the forreign treaties again read, And after some amendments made upon the Act it was put to the vote Approve the Act or Not, and carried Approve the Act.

[Toun of Glasgow]

THE Act in favors of the Toun of Glasgow again read, and after debate it was put to the vote Grant to the Toun of Glasgow an imposition of two pennies upon the pint of ale brown and vended within the said Toun for the uſes contained in the Act; And after some amendments made upon the Act it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that the Toun of Glasgow cause print this Act after Extracting thereof As also the Act granted in anno I^m vj^c^ and ninety three in their favors.

[Mr James Anderson's Royal Charters & Seals]

MOVED that this Gift in favors of the Toun of Glasgow be burdened with payment of the sum of three thousand six hundred pounds to Mr James Anderson Writer to her Majeſties Signet for inabling him to cairy on an account of the ancient and original Charters and Seals of our Kings preceeding King James the First in Copper plates according to the ancient characters of the ſaid Charters and the motion agreed to.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Sir Andrew Kennedy against Sir Alexander Cumming of Culter read, And remitted to the Lords of Seſsion to determine the point of right and poſſeſsion of the petitioners office as intire to be diſcuſsed ſummarly, Which remit is as follows.

Remit to the Seſsion of Sir Andrew Kennedy's cauſe against Sir Alexander Cumming of Culter

HER Majesties high Commiſsioner and the Eſtates of Parliament haveing heard the petition of Sir Andrew Kennedy of Clowburn Conservator &c. Humbly shewing unto them That it pleaſed the late King William of ever glorious memory very soon after the late happy Revolution, to grant a Commiſsion to the petitioner to be Conservator of the Priviledges of this Kingdom in the Netherlands for all the dayes of his natural life, Of which Commiſsion and office the petitioner has been in poſſeſsion more than fifeteen years and did juſtly judge himſelf secured therein as his property unleſs he should forfeit it by his malversations and that the same were declared against him It being not only the plain import of his Commiſsion ad vitam aut culpam but alſo fully ſecured both by the Law and the Claim of Right by which the office of all Judges ought to be ad vitam aut culpam, and the dispoſeing of all forfeitures before sentence is declared to be contrary to Law. Notwithstanding whereof the petitioner is of late ſurprized by a Commiſsion alleadged to be granted

by her Majesty of his said place and office in favors of Sir Alexander Cumming of Culter which being in Law presumed to be obtained periculo impetrantis and not to be conſtrued her Majeſties deed, who is far from all injuſtice The petitioner muſt with all submiſsion repreſent that this ſecond gift is unprecedented and may be of ill consequence and likewayes that therein the petitioner is not only concluded guilty without any due ſentence, but alſo as he is informed deprived of both his right and poſſeſsion which could not legally be done without a previous ſentence and doth evidently tend to his enorm prejudice and lesion For which cauſe ſo ſoon as the petitioner heard of Sir Alexander's said practice he immediatly intented a Declarator of his right dureing life and reduction and improbation of Sir Alexander's said gift, before the Lords of Seſsion the most competent Judges in this cauſe wherein he called the ſaid Sir Alexander in order to a legal and free diſcuſsion pretending to no more but that if innocent as the petitioner hopes he ſhall be found he might be ſecured from Sir Alexander's moleſtations and that on the other hand if found guilty, Sir Alexander might then and not before have the benefite of his said pretended Commiſsion: But Sir Alexander not content to proſecute as the Law allows and to attend a legal diſcuſsion and deciſion hath not only paſt his gift per ſaltum under the great ſeal but alſo preſented the same to the Royal Burrows in order to be presently put in poſſeſsion and no doubt will pursue the same method both with the States General and Toun of Campvere, who are concerned in the said office Which practises do not only tend to dispoſſeſs the petitioner ſummarly against Law and his foresaid right but muſt alſo be the occasion of great confusion to the prejudice of trade both here and in these forreign parts where the said office is appointed for it's due regulation. The petitioner ſhall not here further reflect upon Sir Alexander's foreſaid Gift and Commiſsion and what extraordinary clauſes may be found therein, tho he humbly preſumes to say that they may deſerve the consideration of the honourable Eſtates of Parliament on ſeverall accounts; But seeing that the petitioner is legally provided by his gift ad vitam as ſaid is and that his office ſo ſecured is indeed his property and that he can neither be deprived thereof nor in the leaſt moleſted in his poſſeſsion save by course of Law which he never declined and that by our Law it is certain that any such second gift can take no effect whatsoever unleſs the former gift in the petitioner's favors be first declared to be lost amitted and forfeited He must on these considerations most humbly apply to her Majesties high Commiſsioner and the honourable Estates of Parliament for their justice and protection against abuses not otherwayes to be prevented, For seeing Sir Alexander hath already without attending any legal diſcuſsion or warrand as said is offered to take poſſeſsion here to the petitioners prejudice manifestly against Law and that the petitioner cannot expect but that he will follow the same practice with the States General and Toun of Campvere not only to diſturb the petitioner's poſſeſsion but likewayes to the prejudice of the ſtaple trade in these parts The petitioner doth with all ſubmiſsion presume that his Grace and their Lordſhips will take the caſe into their consideration And therefore humbly Craveing His Grace and the honourable Eſtates of Parliament to take the premiſses to their consideration and in regaird of the petitioners Gift and Commiſsion ſtanding and cled with long poſſeſsion as ſaid is And that the petitioner has also raised a Declarator of his right and reduction and improbation of Sir Alexander's gift wherein he is called to ordain that the petitioners right and poſſeſsion continue unmoleſted or undiſturbed in any sort except in due courſe of law And that while the petitioners foresaid gift is ſtanding and not declared to be loſt or forfeited Sir Alexander hath no pretence either to right or to poſſeſsion here or elsewhere specially in these forreign parts more than if his said ſecond gift had never been granted and that all objections are ſtill intire to the petitioner againſt the said ſecond gift as accords as the ſaid petition bears. And her Majeſties Commiſsioner and the said Eſtates of Parliament haveing this day fully considered the said petition and being therewith well and ripely adviſed They Remitted and do hereby Remit the right and poſſeſsion as to the petitioner's office abovementioned intire to be ſummarly diſcuſsed before the Lords of Council and Seſsion without abideing the course of the roll.

ACT in favors of Miſtreſs Jean Ramsay again read. [Mrs Jean Ramsay]

A RESOLVE offered that the Parliament dureing this Seſsion will not grant any new Ceſs or any other Impoſition whatſomever upon the Kingdom or any part thereof read. [Order of proceedure]

MOVED That before the Resolve take effect the petitions given in for the Toun of Dundee and other royall Burrows be read, And after debate it was agreed to proceed to the consideration of the act in favors of Miſtreſs Jean Ramsay before approveing the resolve, and then it was put to the vote Agree to the Resolve now read or Read and Consider the petitions preſented by the Toun of Dundee and the other Royall Burrows, and carried Agree to the resolve.

THEN the Parliament proceeded to the consideration of the act in favors of Miſtreſs Jean Ramsay appointing a moneths ceſs to be payed at the terms [Mrs Jean Ramsay]

mentioned in the act for payment of the cloathing money and arrears due to the deceaſed Lieutennent General George Ramsay her father And after some amendments made upon the act It was put to the vote Approve the act or Not and carried Approve.

[Merchants of Edinburgh] PETITION for the merchants in Edinburgh in relation to paſses from her Majeſtie dureing the time of war for carrieing on their trade read, and Recommended to her Majeſties high Commiſsioner to represent to her Majeſty as their humble requeſt That paſses be granted by her Majeſtie to the ſubjects of this Kingdome trading to France and Spain and that her Majeſty may be pleaſed to give ſuch orders as ſhall protect them in their ſaid trade as well against her Majeſties ſhips of war and privateers as those of her allies.

[Publick Accounts] ORDERED That next Sederunt The report of the Commiſsion for publick accounts be received and that the article relating to the Lord Belhaven and his partners their tack of Exciſe be first under consideration, Thereafter to consider the article relating to Broomhalls debursements for the army and then Ferguſlie's caſe with relation to the Pole money.

[Earl of Home] PETITION for the Earl of Home read Craveing that ſome time be allowed to him to enter heir to his predeceſsors laſt infeft cum beneficio Inventarii and the Creditors allowed to ſee and answer the ſame against the next Sederunt of Parliament.

PETITION for Sir Thomas Kennedy of Kirkhill and partners of the tack of the Exciſe betwixt the year I^{m} vj^{c} and ninety one and the year I^{m} vj^{c} and ninety six read Craveing their damnages ſuſtained by breaking their tack by Act of Parliament and other ſupervenient Laws to their prejudice be considered and the petitioners recommended to her Majeſty in ſuch manner as contained in the deliverance upon the said Petition Which is as follows.

Recommendation to her Majesty in favors of Sir Thomas Kennedy of Kirkhill and partners HER Majeſties high Commiſsioner and the Eſtates of Parliament haveing heard the petition of Sir Thomas Kennedy of Kirkhill and partners of the annexed Exciſe from November I^{m} vj^{c} and ninety one to November I^{m} vj^{c} and ninety six Humbly ſhewing unto them That where the petitioners were tacksmen of the annexed exciſe of two merks upon the boll of malt brown and vended within this Kingdom and of Six pence upon the pint of brandie and ſtrong waters not made of malt and three pence upon the pint of aquavitæ and ſtrong waters made of malt for the space of five years from November I^{m} vj^{c} and ninety one to November I^{m} vj^{c} and ninety six Which tack contains warrandice at all hands and which certainly was the strongest aſsureance the petitioners could desire that the ſubject of their tack ſhould remain unprejudged by any deed of the publick and much more that their tack ſhould continue uninterrupted or broke contrary to the publick faith which it implyes or otherwayes that all their damnages ſhould be certainly and fully repaired conform to the Law in all contracts of that nature. But notwithstanding of the said incontroverted ground and principle the petitioners were prejudged first by supervenient Laws and then by an Act of Parliament that down right broke their tack The ſupervenient Laws that they complain of are first The Act of Parliament I^{m} vj^{c} and ninety three Imposeing an additional Exciſe of three pennies upon the pint of ale and beer for the space of twenty three moneths from the first of June I^{m} vj^{c} and ninety three to the first of May I^{m} vj^{c} & ninety five which Act did neceſsarly and exceedingly diminiſh the conſumption of malt to the prejudice of the petitioners, For the method of this impoſition upon the liquor being new and the additional burden great put the brewars in ſuch disorder that many through the whole Kingdom did cast up and intermit Or if they continued to brew it was in far leſs quantities as is notourly known Beſides that this intermiſsion and giveing over of the brewars was viſibly occaſioned by the conteſt where this additional burden ſhould lodge the cuſtomers and drinkers expecting still that the ale and beer ſhould continue of the same goodneſs and at the former price which many brewars not being able to comply with did actually deſist There was also another great incumbrance that did arise to the petitioner's prejudice from the ſubtacks that they had set for the most part of the Kingdom except Edinburgh and some few other parts where the ſubtackſmen in ſeveral shires gave over and took inſtruments againſt the petitioners and raiſed proceſs of liberation or eaſes upon the ſaid supervenient Law as the Subtacksmen of the ſhires of Fyfe Aberdeen Merns and Angus comprehending the Toun of Dundee Which proceſs the Lords being unwilling to Determine as concerning his Ma^{ts} revenue the said Subtacksmen applyed to the Parliament and obtained Remits and thereby put the petitioners to double and exceſsive expences. And as for the Toun of Edinburgh and other parts that the petitioners retained in their own Collection the damnage occaſioned by the said additional Exciſe was very great as is evident by comparing their preceeding ſurveyes with those that were made after the said additional Exciſe was impoſed dureing the twenty three moneths whereof the ſurvey fell far short as the petitioners are ready inſtantly to inſtruct albeit the malt was no dearer dureing that space than before The petitioners might also inform his Grace and their Lordſhips how that they were the first that ever raiſed the annexed Exciſe when ſet upon the malt only without any

help from the land rent of the ſhires and yet they can make it appear by the ſurveyes of the ſhires of Roxburgh Berwick and Wigtoun that these shires produced little more than the half of their quotas laid on them by the Act of Parliament I^mo vj^co and sixty three dureing the ſtanding of this additional Exciſe which is a clear demonstration how great a diminution this ſupervenient Act did occaſion to the ſubject of the petitioners tack, Their tack was likewayes burdened with prior particular tacks ſet below the quota as that of the ſhire of Aberdeen which was set for ten thousand pounds leſs and continued for the first year of the petitioners tack which they grant they undertook in prospect of advantage in the succeeding years but were deprived thereof by the said supervenient Act of the additional Exciſe and by breaking of their tack in manner aftermentioned Secondly the petitioners are also prejudged by another supervenient Act past in Parliament in the year whereby it is Statute that for bygones as well as in time comeing the impoſition upon brandy and ſtrong waters should only be exacted from retailers in pints and leſser quantities whereas by former Acts the leaſt caſk of brandy allowed to be imported was half a hogshead and who ever sold in leſser quantities was reckoned a Retailler as was found by several Decreets of Excheq^r. upon the faith whereof the petitioners became tacksmen whereas now all that buy brandy or ſtrong waters in any quantity above a pint are clearly liberat So that the Exciſe of these liquors became not worth the collection and the proceſs the petitioners had for great ſums of that Exciſe depending before the Excheq^r are by the retrospect of this laſt Act of Parliament fallen to the enorm lesion and damnage of the petitioners. It hath been informed that the petitioners are considerable gainers notwithstanding of these supervenient Laws; but how is this possible when the duties of the ſubtack ſet by them do not amount to the quotas of the Act of Parliament and their tack duties do exceed these quotas greatly And as for what remained to them in collection they have offered to exhibite the books of their ſurveys, both before and after the additional Exciſe and all their deſire is that their damnages may be liquidat accordingly, They shall not urge his Grace and their Lordſhips that the petitioners took the ſaid tack with a prospect of advantage which so far as it truely and naturally ariſes from their tack is as much their right as any other part of their property; But that which they preciſely inſiſt upon is that their tack is their right which being of a ſubject uncertain they have fully as good a claime to any profite that might have ariſen by it as they had certainly been made lyable to the loſs if the ſubject had come ſhort without any extraordinary accident and consequently if any part of the ſubject of their tack be diminiſhed or withheld by a ſupervenient Law, it is evidently a prejudice to their tack, and an incurring of the warrandice of their damnage ought juſtly to be considered as if it were a pure damnum emergens And tho publick laws may be made for the support of the Government yet if these Laws ſhould plainly interfere with and prejudge privat rights & contracts the Government is as much oblidged to make good the same as any privat party entering in the like contract, But in the next place besides the diminution of the subject of the petitioners tack which they suffered by these supervenient Laws which ought to be made good to them they have another ground of complaint beyond all exception viz. that in the Parliament I^mo vj^co and ninety five when there was then a year and six moneths of their tack yet to run the Parliament thought good plainly and directly to break their tack by turning the annexed Exciſe from the malt to the liquor and rescinding all tacks (whereof the petitioners was the only principal tack) of and concerning the said annexed Excise upon malt and declaring the same to be fallen in conſequentiam of the diſsolution there made. The petitioners are far from Complaining as if the Parliament had wronged them in this matter ſince they knew perfectly that the Parliament had never reſcinded or taken away their tack and privat right but with a full purpose to repair them and therefore they need say no more on this head; but ſure their tack was broke by the Sovereign pleaſure of King and Parliament and undoubtedly with a deſign to make up their loſs and ſatisfie their privat intereſt. The petitioners have no queſtion but this high and honourable Court will ſee it done The rather ſeeing what they humbly deſire is obvious in Law and natural reaſon that the publick who set the tack ſhould either have made it good or repair the damnages and that after a tack is set the ſubject of the tack cannot be altered nor the tack broken without mutual consent And therefore Craveing his Grace and honourable Eſtates of Parliament to consider the damnages the petitioners have ſuſtained first by the said supervenient Laws which is above five thousand pounds Sterling as ſhall be inſtructed to a demonſtration, And then by takeing away of their tack by the foresaid Act of Parliament I^mo vj^co and ninety five while there was a year and ſix moneths of it ſtill to run which points being plain both in law and reaſon the petioners are perſuaded that the juſtice and equity of the Sovereign Court of Parliament will find out and provide the proper and just remedies whereby the petitioners may be fully repaired as the ſaid petition bears. And her Majeſties high Commiſsioner and the Eſtates of Parliament haveing this day fully Considered the said petition And being therewith well and ripely adviſed They Recommended and hereby Recommend the petitioners to her Majestie to repair the damnages ſuſtained by them by reaſon of the ſupervenient Acts of Par-

liament mentioned in the petition in such way and manner as her Majeſtie ſhall in her Royal Wiſdom think fit.

PETITION for Collonell James Campbell read Craveing payment of the arrears due to him mentioned in his petition and the petitioner Recommended to the Lords of Theſaury conform to the deliverance upon his petition, Which is as followeth.

Recommendation to the Thesaury in favors of Collonel James Campbell

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of Collonell James Campbell Humbly Shewing unto them That the petitioner haveing been one of the Captains of the Lord Forbes his regiment of dragoons and there being considerable sums due to him as such and several officers of the Regiment haveing got their arrears; The petitioner did likewayes get a precept from the Lords of her Majesties Thesaury upon Sir Thomas Kennedy of Kirkhill for payment of one hundred and four pounds one shilling seven pence Sterling of the ſums due to him out of the remains of the Excife duty, Which Sir Thomas refuseing to pay and suffering to be protested the petitioner did apply to the high and honourable the Eſtates of Parliament the laſt Seſsion for his payment Which the Parliament were graciouſly pleaſed to remit to the Commiſsion upon the twenty third of Auguſt I^m vij^c and four And now after tryal taken by the Commiſsion into the payments of Sir Thomas Kennedie's Exciſe duty they find the same exhauſted so that the petitioner can expect nothing from that fund Craveing therefore his Grace and their Lordſhips to Recommend the petitioner to the Lords of her Majesties Theſaury to grant him precept for the above sum of one hundred and four pounds one ſhilling and ſeven pence Sterling out of the excreſcence or balance of any fund their Lordſhips think fit as the ſaid petition bears. And her Majeſties ſaid Commiſsioner and Eſtates of Parliament haveing this day fully considered the ſaid petition and being therewith well and ripely adviſed They Recommended and hereby Recommend to the Lords of Thesaury to Grant precepts to the petitioner out of some effectual fund for payment of one hundred and four pounds one ſhilling ſeven pence Sterling due to him.

[Sarah Dalrymple]

PETITION for Sarah Dalrymple daughter to Dalrymple read Craveing the priviledge of a Japaning Manufactory; Answers to the said petition by M^r Le Blanc and Mr Scot Glaſs makers alſo read And after some debate the petition and answers ordered to ly upon the table.

[Prices of fleshes in Edin^r]

OVERTURE for an Act for the eaſe of the Leidges as to the prices of fleſhes in Edinburgh, read, and a first reading ordered to be marked thereon And agreed that the repreſentation for the skinners be under consideration when the Act comes to receive a ſecond reading.

[Capt Thomas Hay]

PETITION for Captain Thomas Hay read, and the Lady Semple Collonell John Buchan and others ordained to be cited in the terms of the Act of Parliament.

[Lady Bredisholme ag^t Muirhead of Bredisholme]

PETITION for the Lady Bredisholme against James Muirhead of Bredisholme read, And after debate it was put to the vote whether the said James Muirhead ſhould ſee and answer the said petition or be cited in the ordinar form, and carried that he ſhould be cited.

Act and Recommendation in favors of Captain Charles Campbell to be found Recorded 18th instant

PETITION for Captain Charles Campbell read Craveing payment of his arrears and a sist of personal execution against him for some time and that part of the petition as to Siſt of personall Execution ordained to be ſeen and answered by his Creditors againſt the next Sederunt and Recommended to the Lords of Theſaury for a certain sum conform to the deliverance on his petition; The Act and Recommendation whereupon becauſe it bears for date both this day and the eighteenth instant is recorded that day.

[Ratifications & Fairs]

ACTS of Ratification in favors of several persons read and ſeveral Protestations taken against some of the ſaid Acts, As alſo several Warrands for Fairs read, and a Protestation taken against the fair of Balquidrock granted to the Laird of Touchadam, and the Extracting of the said fairs superceded till next Sederunt, And all objections against the said fairs made betwixt and that time to be received: Which ſeveral Acts of Ratification, and for Fairs &c. paſt in Parliament, and the proteſtations against them are as follows.

RATIFICATION in favors of Her Majesties high Commiſsioner, John Duke of Argyll of the Dukedom of Argyll &c.

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms an charter under the great ſeal of the date at Saint James's the twelvth day of May I^m vij and two years Granted by her Majeſty for her ſelf and as come in place of the Prince and Steuart of Scotland, and of the late Biſhops respective with consent of her Commiſsioners of Thesaury and Exchec^r for the time to her Majeſties high Commiſsioner John Duke of Argyll then Marqueſs of Lorn and his heirs male and of tail ſie therein specified Which failzieing to his other heirs or aſsigneyes whatsoever heretably and irredeemably

under the provifions and limitations therein mentioned of the Lands Earldom Lordſhips Baronies Burghs Offices Caſtles Mills harbours teinds patronages and others therein expreſsed, With power of holding the fairs and mercats and the other freedoms and priviledges therein set down All which formerly pertained to and were Reſigned by the deceaſed Archbald Duke of Argyll and are all of new Disponed to the said John Duke of Argyll and his foresaid by vertue of the ſaid charter Wherein alſo is contained a Diſsolution of ſeveral of the Lands and others therein mentioned which do not ly locally or by annexation in the shire of Argyll from all jurisdictions to which they were formerly united and an Erection thereof in the Regality Lordſhip and Barony of Campbell Ordaining the Kirktoun of Dollar to be the head Burgh thereof Which Burgh Her Majestie has by the said charter Erected in a free Burgh of Regality to be called the Burgh of Regality of Campbell And has likewayes Erected the Toun of Roſs in Roseneath in a free Burgh of Barony to be called the Burgh of Barony of Portrose And has given to the said Duke and his foresaids the priviledge of keeping fairs and mercats at the said several Burghs on the dayes therein specified And a power to build a free port and harbour at the ſaid Burgh of Portrose with the tolls customes duties and other priviledges and powers specified in the said charter Whereby alſo her Majesty as come in place of the said Prince and Steuart has Diſsolved ſeveral lands and others therein mentioned from all Lordships and Baronies to which they were formerly united and has adjoined the same to the old Barony of Auchnagarran Declaring one Seasine to be taken at the mannor place of Auchnagarran or any part of the said Barony to be sufficient for the haill By which Charter Her Majesty as Queen of Scotland has likewayes united and erected all the other Lands Earldom Lordship and others therein specified in the Dukedom Marquiſsat Earldom Lordship and Barony of Argyll Declaring one Seaſine to be taken at the Castle of Inverary or at any part of the said Dukedom to be ſufficient for the haill To be Holden of her Majeſty for her self and as come in place of the said Prince and Bishops respective and of her succeſsors in manner expreſsed by the said charter Which also contains a dispensation for ſerveing retouring & infefting in the lands and others therein mentioned that are holden in taxt ward the heirs and ſucceſsors of the said Duke notwithstanding of their minorities and a Confirmation of all rights of the said Lands Dukedom Baronies and others foresaid granted to him and his foresaid and to the said umq^{h} Duke of Argyll his father or any of their predeceſsors with diverse other clauſes Together with the precept of Seaſine contained in the ſaid charter and inſtrument of Seaſine following thereupon In all and sundry heads articles clauses provisions and conditions of the same with all that has followed or may follow thereupon And her Majesty with consent of the said Estates of Parliament Wills & Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foresaid charter and infeftment thereon shall be good valid and ſufficient rights conform to the tenors of the same to the ſaid John Duke of Argyll and his foresaid for poſseſsing and enjoying the said haill Dukedom Marquiſsat Earldom Lordſhip and Barony of Argyll and Barony of Auchnagarran united respective in manner foresaid and comprehending severally therein the Lands Lordſhips Baronies Burghs of Baronie and Regality teinds offices fees duties few duties caſtles touers fortalices mills mill lands multures woods forreſts isles lochs fiſhings coals coalheughs advocations donations and rights of patronage and other pertinents mentioned in the said charter all lying as is therein expreſsed without ſtopt or impediment and that the ſame ſhall never be quarrelled by her Majestie or her ſucceſsors and alſo that this present generall ratification is and ſhall be as effectual and ſufficient to the ſaid John Duke of Argyll and his foresaid as if the foresaid charter with the instrument of Seaſine following thereupon were word by word insert herein with the not inserting whereof and with all other objections that may be proponed against the validity of this present ratification or rights hereby ratified Her Maty with consent foresaid has dispensed and hereby dispenses for ever.

The Duke of Atholl's Protestation

THE Duke of Atholl Protested That the foresaid Ratification in favors of Her Majesties Commiſsioner the Duke of Argyll should not prejudge the offices granted to him.

The Marqueſs of Montrose's Protestation

THE Marqueſs of Montrose also Protested against the foresaid Ratification That the ſame should not prejudge him of his offices.

Protestation for the Earl of Linlithgow

Mr William Cochran in name of the Earl of Linlithgow did likewayes Protest against the before written Ratification.

RATIFICATION in favors of John Earl and Margaret Counteſs of Mar of a tack of the duties of the Lands & Lordship of Stirling

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Confirmation prorogation and tack expede under her Majesties Privy Seal of the date at Saint James's the sixteenth day of January I^{m} vij^{c} and three years and granted by her Majesty with consent of the Lords and others Commiſsioners of her Theſaury and Exchequer for the time whereby Her Majeſty 2

not only Ratified and Confirmed a tack of the few maills few ferms kains cuſtomes and other duties of the Lands and Lordſhip of Stirling granted by the deceaſed King William and Queen Mary of the date at Kensingtoun the eight day of February I^m vj^c^ and ninety to John Earl of Mar for the space of fifeteen years after the term of Lambmaſs I^m vj^c^ and eighty nine and thereafter ay and while the ſame ſhould be recalled and discharged The said Earl paying to their Majeſties and their Royal ſucceſsors the tack duty therein mentioned at the term specified therein With a Ratification and Prorogation of the said former tack containing alſo a new tack of the said Lands and Lordſhip of Stirling for the space of ten years complete after the iſh and expireing of the former tack and thereafter untill the same ſhould be diſcharged granted by the said deceased King William to the ſaid Earl of Mar for payment of the tack duty therein and after specified at the time expreſsed therein and bearing date at Kensingtoun the twelvth of January I^m vij^c^ and two in the haill heads clauſes and articles thereof But also without hurt or derogation thereto did with consent foresaid Prorogat Extend and Continue and of new in tack and aſsedation let all and haill the few maills farms kaines customes and other duties of the said Lands and Lordſhip of Stirling to the said John Earl of Mar and Margaret now Counteſs of Mar his ſpouſe then deſigned Lady Margaret Hay eldeſt lawfull daughter to Thomas Viſcount of Dupline and the longeſt liver of them two dureing all the dayes of their or either of their lifetimes and thereafter to the ſaid John Earl of Mar his heirs male or aſsigneyes for the space of nineteen years and ay and while the same be recalled and diſcharged With power to the ſaid John Earl of Mar and the said Counteſs his spouse and longeſt liver of them and after both their deceaſe to the ſaid Earl his heirs male and aſsigneyes to intromet with and uplift the said few mailes few ferms kaines cuſtomes and other duties of the said Lands and Lordſhip of Stirling dureing the space foresaid and thereafter as said is Paying for the same the said Earl and Counteſs of Mar and longeſt liver of them two to her Majeſty and her Royal ſucceſsors the tack duty of ten merks Scots money on the ſeventeenth day of July yearly Provideing alwayes that in case the ſaid Counteſs ſhall happen to survive the ſaid Earl before the expireing of the former tack the ſaid new grant and aſsedation shall be effectual in her favors and she preferred to the ſaid few ferms few mailes kains cuſtomes and other duties of the said Lordſhip of Stirling dureing all the dayes of her lifetime to all other competitors or pretenders whatsoever By which letter of tack the said John Earl of Mar is alſo Exonered and Diſcharged of the bygone tack duty of the ſaid Lordſhip of Stirling reſting preceeding the date thereof And it is Declared that the ſaid Earl his acceptation thereof ſhall not be prejudicial to any right he hath or ſhall happen to have to the ſaid few maills and others abovementioned of the ſaid Lordſhip if any he ſhall be found to have in manner fully expreſsed in the ſaid tack in all and ſundry heads articles clauſes proviſions and conditions of the same And her Majeſtie with consent of the said Eſtates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordaines That the foresaid Confirmation prorogation and tack ſhall be good valid and ſufficient conform to the tenor thereof to the ſaid John Earl of Mar and Margaret Counteſs of Mar his ſpouſe and longeſt liver of them two dureing their or either of their lifetimes and thereafter to the heirs male or aſsigneyes of the ſaid Earl for poſſeſsing and enjoying dureing the space foresaid without any ſtopt or impediment in ſo far as concerns her Ma^ts^ intereſt the forſaid few maills farms kains cuſtomes & other duties of the ſaid Lands and Lordſhip of Stirling And Declares That the said Confirmation Prorogation and tack ſhall never be quarrelled by her Majeſty or her ſucceſsors And also that this present Ratification ſhall be as effectual to all intents as if every word of the foresaid Confirmation Prorogation and tack were insert herein Whereanent and with all other objections that can be proponed against the validity of this Ratification and rights hereby Ratified Her Majeſtie with consent foresaid has dispensed and hereby dispenses for ever.

RATIFICATION in favors of Lord Charles Ker Director of the Chancellary

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and Confirms ane Letter of Gift and Commiſsion granted by her Majeſtie under the great ſeal to and in favors of Lord Charles Ker therein deſigned ſecond lawfull ſon to the deceaſed Robert Marqueſs of Lothian dated at Bath the fourth day of September I^m vij^c^ and three years Whereby her Majeſty for the cauſes therein ſpecified did Nominat Constitute and Ordain the ſaid Lord Charles Kerr sole and only Director of Her Majesties Chancellary in this her ancient Kingdom of Scotland dureing all the dayes of his lifetime and Gave and Granted to the ſaid Lord Charles Kerr the ſaid place and office dureing the space foresaid With the haill priviledges fees profites caſualities and emoluments whatſoever pertaining or that are known to appertain thereto With full power to him to exerce the said office dureing the ſpace foresaid and to nominat and appoint deputes and other ſervants under him for whom he shall be answerable and to write regiſter and extract all breives retours tutories charters gifts patents precepts and other writs of whatſoever nature pertaining to the ſaid office and to keep the teſtimony of 3

the great ſeal and append the same to all precepts commiſsions tutories and other writs in uſe to be ſealed therewith according to the cuſtome and priviledge of the ſaid office and alſo to uplift intromet with and receive the haill fees ſallaries caſualities profites and emoluments whatsoever pertaining or that are known to appertain thereto and to poſſeſs and enjoy the haill dignities liberties priviledges and profites of the same as fully and freely in every respect and condition as the deceaſed Sir William Ker or Sir John Scot or any other directors of the said office of Chancellary poſſeſsed or in any time bygone could have poſſeſsed the same And Declared that the generality of the said Gift and Commiſsion should be as valid and effectual to all intents as if every particular relating to the said office were therein insert as the said Gift and Commiſsion of the date foresaid containing therein her Maᵗᵉ promise to ratifie the same in Parliament fully bears, in the haill heads articles clauſes tenors and contents of the samen And her Majeſty with consent of the said Eſtates of Parliament does hereby Declare Decern & Ordain that this present general ratification ſhall be as valid effectual and ſufficient and of as great force ſtrength and effect to all intents and purposes to the ſaid Lord Charles Ker dureing the space foresaid as if the said letter of Gift and Commiſsion were herein word by word insert Whereanent and with all faults nullities and imperfections of the samen Her Majesty and the ſaid Eſtates of Parliament dispensed and by thir preſents dispenses for ever.

RATIFICATION of a Charter under the Great Seal in favors of the deceaſed Mʳ William Hamilton ſon to umqᵘᵉ Lord Baſil Hamilton of the Baronies of Baldoon Cumpstoun & Lochfergus

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under her Majesties Great Seal of the date at Saint James the fifeteenth day of May Iᵐᵒ vijᶜ and two years granted by her Majeſty with Consent of the Lords and others Commiſsioners of her Thesaury and Exchequer for the time to the deceased Mʳ William Hamilton eldeſt lawful ſon of umqᵘᵉ Lord Basil Hamilton and to his heirs and aſsigneyes whatsoever heretably and irredeemably of all and sundry the Lands Baronies Mills Woods fishings and others aftermentioned viz. All and haill the Lands of Baldoon and Clauchrie with the mannor place of Baldoon houſes biggings yeards orchyeards outſets insetts parts pendicles and haill pertinents of the same with the ſalmond fiſhings and other fiſhings in the water of Blaidgenoch uſed and wont All and haill the twenty merk land of Kirkinner lying contigue comprehending the Lands of Miltoun with the mill thereof called Millgreddan multures and ſequels of the same The lands of Skaitt Kirriemainoch Cruck and Littlehills with houſes biggings yeards paſturages parts pendicles and haill pertinents thereof All and haill the Kirklands of Kirkinner with houſes biggings yeards parts pendicles and pertinents of the same All and haill the Lands of Kirriewhirne with houſes biggings yeards and pertinents all lying in the parochine of Kirkinner & ſherifdom of Wigtoun All and haill the twenty merk land of Itoun comprehending the five merk land of Skellary & Boigcroft the five merk land of Balfairne, the five merk land of Steuartoun and five merk land of Orchyeardtoun with houſes biggings yeards orchyeards annexis connexis dependences and pertinents thereof whatſoever lying within the parochine of Kirkinner and ſherifdom of Wigtoun foresaid All and haill the ten merk land of Lybrack with houſes biggings and pertinents thereof lying in the parochine and ſherifdom foresaid All and haill the Lands of Kilsture Clouth and Blair with the corn and walk mill of Blair mill lands multures and ſequels of the ſame lying in the parochine of Sorbie and ſherifdom abovementioned All and haill the ten merk land of the Kirklands of Wigtoun with all the houſes biggings yeards orchyeards parts pendicles and pertinents thereof lying in the parochine and ſherifdom of Wigtoun And all and haill the Lands of Culquhork with houſes biggings yeards tofts crofts parts pendicles and pertinents lying in the said parochine and sherifdom of Wigtoun And ſicklike all and ſundry the Lands Baronies and others aftermentioned lying in the Steuartry of Kirkcudbright viz. All and haill the Lands of Kirkdale and Broach with houſes biggings yeards woods parts pendicles and pertinents thereof lying in the parochine of Kirkdale now annexed to Kirkmabrick otherwayes called Ferrietoun and Steuartry foreſaid All and haill the Lands of Auchingaſsell And all and ſundry the Lands of Kirkchryst and the Temple crofts of the same The lands of Merſs and the old Mill of Kirkchryst mill lands multures and sequels thereof with the juriſdiction and office of Bailliary of the said Lands lying in the said Steuartry All and haill the Lands of Boreneſs with houſes biggings and pertinents All and haill the lands of Nuntoun and Biſhoptoun and with the mill and ſalmond fiſhings and other fiſhings upon the water of Dee appriſed at the inſtance of Sir David Dunbar from William Brown of Newtoun All and haill the Lands of Bamangan with the islands of Meikle and Little Roſses and their haill pertinents lying in the parochine of Kirkanders and Steuartry abovewritten And all & haill the Lands of Culcaigrie and lands of Toſtrie with houſes biggings yeards and pertinents lying in the parochine of Tweyname and Steuartry foresaid And also all and haill the Lands and Barony of Tweynam comprehending the lands and others

aftermentioned viz. All and haill the mannor place touer and fortalice of Tweynam alias Cumpſtoun with houſes biggings yeards woods parks parts pendicles and pertinents All and haill the maines of Tweynam lying contigue to the mannor place commonly called the Boirland of Cumpſtoun With the ſalmond fiſhings upon the water of Dee pertaining to of Tweynam All and haill the lands of Over Cumpſtoun with the pertinents All and haill the lands of Kempletoun mill thereof mill lands multures and ſequels of the same The lands called Inglistoun as a part and pertinent of the said Barony The lands of Blackmerk alias merks The lands of Overmaines in Tweynam alias Old maines The lands of Glengeps The lands of with the mill & mill lands multures and ſequels thereof The lands of Belmacample alias Campbeltoun with all other lands in the ſaid Barony of Tweynam by whatsoever name or deſignation the ſame are known With all and ſundry houſes biggings yeards moſses muirs meadows paſturages tenents tenandries and ſervice of free tenents of the ſaid haill lands and Baronies with the advocation donation and right of patronage of the kirk and paroch of Tweynam All and haill the lands of Barclay with the pertinents lying in the parochine of Rerick alias Dundrenan and Steuarty forcsaid All and haill the lands of Overlaw with houses biggings yeards and pertinents lying in the same parochine All and haill the lands of Balig And all and haill the lands of Culnaughtrie Heislefield and Drongans with houſes biggings yeards parts pendicles & pertinents lying in the said parochine of Dundrennan and Steuartry abovementioned All and haill the Lands and Barony of Bombie comprehending the lands houſes mills woods paſturages fiſhings and others afterspecified viz. All and haill the lands of Bombie with the mill called the mill of Bombie multurs and ſequels of the same woods fiſhings and ſhaws thereof All and haill the Caſtle or mannor place of Kirkcudbright ſituat at the east end of the Toun of Kirkcudbright with houſes biggings yeards orchyeards and pertinents All and haill the lands of Lochfergus The lands of Auchinflower the lands of Blackſtockartoun Burnsidecroft The lands of Littlestockartoun The lands of Brockloch and Whitecloſs Whinnielegat & Redbrae The lands of Meikle Seipland The lands of Little Seipland The lands of Gribdie The lands of Merks and Kilbride The lands of Jordanland Wettland and Glenlay All and haill the lands of Gorgrego and Corriedow lying in the parochine of Balmaclelland And all and haill the lands of Polmadie with the mills mill lands multures and ſequels thereof lying in the parochine of Kells and Steuartry foresaid All and haill the lands of Boreneſs The lands of Chappletoun and lands of Barmagechan All and haill the lands of Plumtoun with mills multures woods fiſhing and pertinents lying in the united parochines of Kirkanders and Borg All and haill the lands of Auchlean Milnthird and Laicharkland with houſes biggings mills woods fiſhings and pertinents of the ſamen lying in the parochine of Kirkhorno and Steuartry abovespecified all formerly united and erected in one Barony called the Barony of Bombie All and haill the lands of Balgreddan with houſes biggings and pertinents lying in the ſaid parochine and sherifdom of Kirkcudbright All and haill the lands of Littlekirkland All and haill the lands of Meiklekirkland with the juriſdiction and office of Bailliary of the said lands All and haill the lands of Grange and Cottages thereof And all and haill the lands of Mutehill And all and haill the Milltoun of Dunrod and all crofts pertaining thereto And all and haill the mill of Dunrod mill lands multurs and ſequels thereof and all crofts thereto belonging And all and haill the Kirklands of Dunrod houſes biggings crofts and pertinents of the same and specially these crofts called Tonguecroft Soulter ſlack croft and Glonan croft All and haill the lands of Little Gatwa and lands of Meikle Gatwa The lands of Knock Over Gatwa lying in the parochine and Steuartry foreſaid And all and haill the mill of Kirkcudbright called the Toun mill with the mill lands aſtricted multures and other multures bannock and ſequels of the same All and haill the lands of Culdoch and Carſs of Culdoch with houſes biggings yeards fiſhings crofts fiſheries and haill parts pendicles and pertinents of the same used and wont All and haill the lands of Drummore and Balsire and the Lands of Mulloch and Girthstanewood within the said Steuartry formerly pertaining to John Ewart and adjudged from him at the instance of Robert Rutherfoord and disponed to Sir David Dunbar of Baldoon or to ſome other for his use And all and haill the lands of Airieland And all and haill the lands of Netherthird with the haill houſes biggings woods fishings parts pendicles and pertinents of the same lying in the parochine of Kirkhormo and Steuartry foresaid And also all and haill the lands and Barony of Newark containing and comprehending the five merk land of Ingliſtoun The lands of Lagg, The lands of Ruchtill The lands of Rentounbridge The lands of Dalquhairne The lands of Halhill The lands of Newark The lands Brae The lands of Gaitside The lands of Cludan with the corn and walkmills of Newark and the mannor place of the ſaid Lands and Barony houſes biggings yeards orchyeards outsets insets tenents tenandries woods fiſhings advocation donation and right of patronage of the Kirk and Chaplainrie thereof parts pendicles and haill pertinents of the same lying within the parochine of Irongray and Steuartry of Kirkcudbright which formerly pertained to Robert Graham late Provoſt of Dumfreis and were apprifed and adjudged from him at the instance of David Dunbar younger of Baldoon With all right title and intereſt which her Majesty

had has or any wayes may have claim or pretend to the foresaid lands. By which Charter her Majesty with consent foresaid did also Give Grant and Dispone in favors of Lady Mary Hamilton relict of the said deceased Lord Basil and to her heirs and assigneyes dureing all the dayes of her lifetime for her liferent use allennarly all and haill an yearly liferent of Eight thousand merks Scots money free of all publick burdens yearly to be uplifted and taken at two terms in the year Whitsunday & Martinmass by equal portions beginning the first terms payment at the term of Martinmass preceeding the date of the said Charter which was the first term following the decease of the said Lord Basil and thereafter yearly and termly dureing her lifetime furth of all and haill the Lands of Baldoon and Clauchrie and furth of the other lands fishings acres and others therein mentioned or furth of any part or portion of the same and also the liferent use of the mannor place of Baldoon with office houses yeards and orchyeards pertaining thereto free of all publick burdens in manner fully expressed in the said Charter which proceeds on the sea[n] Adjudications therein mentioned obtained against the said Lady Mary Hamilton formerly designed Lady Mary Dunbar as lawfully charged to enter heir to the said deceased Sir David Dunbar of Baldoon her Grandfather and the said umq[th] David Dunbar younger of Baldoon her father and who had Renunced to be heir to them And which adjudications were conveyed in the person of the said deceased M[r] William Hamilton as is at length mentioned in the said Charter and also proceeds on the resignation of the said umq[th] Lord Basil Hamilton in manner specified therein Whereby also all and sundry the Lands Baronies mills woods fishings and others abovewritten are all of new Given and Disponed to the said M[r] William Hamilton his heirs and assigneyes foresaid, and it is Declared lawful to them to possess the Lands and others foresaid by vertue of all or any of the rights and titles therein mentioned then in his person or which he should thereafter acquire and that conjunctly or severally the one without prejudice of the other as they shall think fit By which Charter also her Majesty annexed created and incorporated the said haill Lands of Baldoon and Clauchrie with the salmond fishings and other fishings in the water of Bladgenoch used and wont And all and haill the said twenty merk lands of Kirkinner with the said Lands of Kirriewhirne The said ten merk land of Kirkland of Wigtoun The said ten merk land of Lybrack And the said twenty merk land of Kilsture Clousch and Blair with all their houses biggings woods mills fishings and pertinents in one haill and free Barony to be called the Barony of Baldoon And sicklike united annexed created and incorporated all and sundry the Lands of Kirkdale Balmangan Meikle and Little Rosses and Culcraigie And all and haill the Castle touer and fortalice of Tweynam alias Cumstoun with houses biggings yeards & pertinents All and haill the maines of Tweynam lying contigue to the castle commonly called the Boirland of Cumpstoun with salmond fishings in the water of Dee pertaining to the said lands of Tweynam The lands of Over Cumstoun The lands of Kempletoun mills mill lands multures and sequels thereof The lands called Inglistoun The lands of Blackmarks The lands of Overmaynes of Tweynam The Lands of Glengyps The lands of Fassock The mill called the Old mill The lands of Belmacamble alias Campbeltoun All and haill the lands of Gorgrego Corridow and Polmadie The lands of Balmagrechan The lands of Borenes Campbeltoun and Plumtoun with all their mills multures fishings and pertinents upon the west side of the water of Dee, in another haill and free Barony to be called now and in all time comeing the Barony of Cumpstoun And likewayes united annexed created and incorporated all and haill the lands of Bombie with the mill called the mill of Bombie mill lands multures sequels woods fishings and pertinents of the same All and haill the Castle touer fortalice and manner place of Kirkcudbright with houses biggings yeards orchyeards and pertinents thereof The lands of Lochfergus Auchinflower The lands of Blackstockartoun The lands of Littlestockartoun The lands of Brackleich Whitecloss The lands of Meikle and Little Seipland The lands of Gribdie The lands of Balgreddan The said lands of Auchlean and Middle third The mannour place mill and pertinents of the said lands of Arkland The said ten merk land of Netherthird and Arieland The lands of Barclay all lying in the Steuartry of Kirkcudbright in another free Barony to be called in all time comeing The Barony of Lochfergus ordaining the mannor place of Baldoon to be the principal messuage of the said Barony of Baldoon, The castle of Cumpstoun to be the principal messuage of the said Barony of Cumpstoun And the old castle of Lochfergus to be the principal messuage of the said Barony of Lochfergus And one Seasine of the said several Baronies to be taken at the said several messuages to be sufficient for the haill lands and others respective foresaid united as said is altho the same do not ly contigue To be Holden of her Majestie for herself and as come in place of the Bishops of Galloway and Dumblain Dean and Subdean of the Chappell royal respective and of her successors in manner expressed in the samen Charter, whereby her Majesty with consent foresaid likewayes Willed Granted Decerned and Ordained that albeit it should happen the twenty merk land of Kirkinner comprehending as said is and the foresaid lands of Skeallary and Boigcroft Lybrack Kilsture Cloush and Blair and the foresaid lands and others lying in the Barony of Tweynam now called Cumpstoun and the Barony of Bombie now called Lochfergus comprehending the lands and others abovewritten

as well now annexed thereto as formerly petaining to the same to fall by reaſon of waird nonentry or either of them in the hands of her Majeſty or her ſucceſsors yet it ſhould be leiſum to the heirs and ſucceſsors of the said Mr William Hamilton to poſſeſs and enjoy and uplift the rents of all and ſundry the foreſaid Lands & Baronies with the pertinents dureing the said waird and nonentry or either of them Paying alwayes for the said twenty merk land of Kirkinner comprehending as said is and for the said Lands of Skellary and Boigcroft and the lands of Lybrack Kilſture Clouſch and Blair dureing the said waird and nonentry or either of them the ſum of Two hundred and twenty pounds Scots money yearly at two terms in the year Whitſunday and Martinmaſs by equal portions With the like ſum for the relief of the said Lands when the samen ſhall happen And for the said Lands and Barony of Tweynam alias Cumpstoun comprehending the haill Lands and others abovementioned contained in the said Barony dureing the time of the said ward and nonentry or either of them the ſum of Two hundred pounds Scots money yearly at the said two terms by equal portions With the like ſum for the relief of the samen lands when the same shall happen And sicklike for the said Lands and Barony of Bombie now called Lochfergus comprehending the lands and others abovementioned dureing the ſaid ward and nonentry or either of them the ſum of four hundred and eighty pounds Scots money yearly at the said two terms by equall portions With the like ſum for the relief of the ſamen lands whenſoever the ſamen ſhall happen, And alſo the heirs of the said Mr William Hamilton paying the ſum of Eighteen hundred pounds money foresaid for the marriage of every heir or heirs that ſhall fall out To which sums respective the foresaid duties of waird relief nonentry and marriage are Taxed and for payment of which several ſums as ſaid is the ſamen duties and the rents and profites of the samen Lands and Baronies holden ward in manner foresaid for all years and terms the ſame ſhould fall in her Majeſties hands are Disponed and Aſsigned to the heirs and Aſsigneyes of the said Mr William Hamilton in manner more fully expreſsed in the said Charter By which alſo it is Declared lawful to the heirs and ſucceſsors of the said Mr William Hamilton and his foresaid to obtain themſelves at any time of their age entered ſerved retoured and infeft as heirs to their predeceſsors in all the lands Baronies and others foreſaid holden ward notwithſtanding of the foreſd ward and nonentry and the minority of the said heirs, and the ſaid ſervices retours and infeftments are declared as sufficient as if expede after the ſaid heirs their age of twenty one years compleat or by vertue of particular diſpensations And the ſeveral rights and infeftments granted to the said deceaſed Sir David and David Dunbars elder and younger of Baldoon and to the said Lord Baſil Mr William and Lady Mary Hamiltons respective are confirmed as the ſaid Charter fully bears And her Majesty with consent of the ſaid Eſtates of Parliament does also Ratifie Approve and perpetually Confirm the precept of Seasine contained in the said Charter and Infeftments following and competent to follow on the same in all and sundry heads articles and clauſes of the said Charter precept and infeftments And Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the said Charter and infeftments thereon ſhall be in ſo far as concerns her Majeſties right and interest good valid and ſufficient conform to the tenor of the same to the heirs and ſucceſsors of the ſaid deceaſed Mr William Hamilton and to the ſaid Lady Mary Dunbar for their ſeveral intereſts abovementioned and that the same shall never be quarrelled or revocked by her Majeſty or her ſucceſsors and that this present Ratification ſhall be to all intents and purpoſes as effectual and sufficient as if every word of the said Charter Precept and Infeftments were insert herein with the not inserting whereof and with all other objections that may be proponed against the validity of this Ratification and of the rights hereby ratified Her Majeſty with consent foresaid does hereby dispense for ever.

RATIFICATION in favors of Sir William Anstruther of that Ilk of the Barony of Anstruther

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratified Approved and perpetually Confirmed and does by thir presents Ratifie Approve and perpetually Confirm a charter under the great Seal of the date at Kensingtoun the twenty ninth day of April Imo vijc· and four years granted by her Majesty with consent of her Commiſsioners of Thesaury and Exchequr for the time and proceeding on the resignations and other conveyances therein mentioned to and in favors of Sir William Anstruther of that Ilk one of the Senators of the Colledge of Juſtice and the heirs male lawfully procreat or to be procreat of his body Which failȝieing to his heirs of tailȝie and proviſion to be named by him in manner therein ſpecified And failȝieing of them to his heirs and aſsigneyes whatsoever heretably & irredeemably Of all and haill the lands toun and Barony of Anstruther Office of Bailliary of the haill Lordſhip and Barony of Pittenweem and priviledge of Commonty on the common muir thereof, and of the ſeveral other lands teinds mills and others expreſsed in the said charter With all other lands and others whatsoever pertaining to the said barony of Anstruther and united thereto by the old rights and infeftments of the same And sicklike of all and haill the lands and Barony

of Ardroſs comprehending the lands and others therein mentioned And of all and haill the Lands and Barony of Ely with the Burgh of barony port and harbour of Ely and haill cuſtomes anchorages tolls priviledges liberties eaſualities profites commodities and powers particularly ſpecified by the ſaid charter and ſpecially of keeping and holding in the ſaid burgh a weekly mercat and two yearly fairs upon the dayes therein expreſsed and of the office of ſearcherie of all prohibited and uncuſtomed goods comeing to or going from the ſaid Burgh of Ely or port thereof And of the Toun and lands of Carmuirie and ſeveral other lands mills patronage and others contained in the ſaid charter all formerly united in ane haill and free Barony called the Barony of Ardroſs in manner therein mentioned And likewayes of all and haill the eaſt half of the Town and lands of the Newtoun of Rirus & of all and haill the lands and barony of Dairsey And likewayes of all and haill the ſuperiority of these parts and portions of the lands of Inuergelly ſometime pertaining to the Abbacy of Dryburgh And of the ſuperiority of an houſe and three acres of land in Anſtruther ſometime alſo belonging to the ſaid Abbacy with the few duties payable furth thereof Together with the patronage of the kirk of Kilreny and Kirklands thereof and of ſeveral other lands patronages and others ſpecified in the foresaid charter all lying within the ſherifdom and ſteuartry of Fyfe respective All which are by the ſaid Charter of new Disponed to the ſaid Sir William and his foreſaids and of new United and Erected in ane haill and free Barony to be called the Barony of Anstruther For which one Seaſine by deliverance of earth and ſtone at the mannor places of Anstruther or Ely or any other part of the said lands is ordained to be ſufficient in manner mentioned in the samen charter Which contains a dispoſition and ratification of the offices of one of her Mats carvers and maſters of houſehold to the ſaid Sir William and his heirs male succeeding in his lands of Anſtruther and a gift of the office of heretable and perpetual ſearchers of prohibited and uncuſtomed goods within the burghs of Anſtruther and Elie and ports of the same With power to intromet therewith and of keeping courts for cognosceing thereon and alſo of haveing a cocquet in the said Burghs with priviledge of the ſeals of the ſame and of appointing keepers and Clerks of the said cocquets and ſeals with the haill fees caſualities priviledges and powers belonging to the said several offices and expreſsed in the said charter To be Holden of her Majeſty for payment of the few duties of victual capons and pultrie or prices thereof specified therein and of the other few blench and other duties mentioned in the ſamen whereby alſo the waird nonentry relief and marriage of the heirs which were due and payable for the foreſd lands and Barony of Anstruther and the lands of Burntſhiells and Muircambus with the pertinents together with the respective duties to which the ſaid ward nonentry relief and marriage were taxed and all other profites and caſualities of the same are Given and Disponed to the heirs ſucceſsors and aſsigneyes of the said Sir William Anstruther succeeding to him therein And further the holding of the said Lands is changed from Taxtward to Blench and the ſerveing retouring & infefting therein the heirs and ſucceſsors of the said Sir William at any time of their age notwithſtanding of their minorities is allowed and dispenſed with And alſo the ſeveral rights and conveyances of the Lands and others foresaid are Confirmed in manner fully therein set down And Her Majeſty with consent foresaid does alſo Ratifie Approve and perpetually Confirm the precept of Seasine contained in the foresaid charter with the inſtrument of Seasine following thereupon in all and ſundry points articles clauſes and proviſions of the said charter precept and ſeasine And her Majesty with advice and consent foresaid Statutes and Ordains that the foresaid charter with the precept therein contained and infeftment following thereupon are and ſhall be conform to the tenors of the same good valid and sufficient rights to the said Sir William Anſtruther and his foreſaids for poſſeſsing and injoying the lands offices and others thereby disponed without any impediment in ſo far as concerns the intereſt of her Majestie or her royal ſucceſsors and Declares that the same shall never be quarrelled nor revocked by her Majeſty or her foreſaids and that this present ratification is and shall be as valid and effectual to all intents as if every word of the said charter precept and seaſine were at length insert herein Whereanent and with all other objections that may be proponed against the validity hereof or of the writs hereby ratified Her Majesty with consent foresaid has dispensed and hereby dispenſes for ever.

Lord Archbald Campbell's Protestation in name of the Duke of Argyll

LORD Archbald Campbell in name of her Majeſties Commiſsioner the Duke of Argyll Protested againſt the said Ratification That it ſhould not prejudge him of his office of Maſter of household to her Majesty.

Sir Robert Forbes's Protestation in name of the Royal Burrows.

SIR Robert Forbes in name of the Royal Burrows Protested against the Burgh of Ely, it's haveing by the Charter ratified the same priviledges with Royal Burrows.

RATIFICATION in favors of Mr Robert Stewart of Tillicultry of the Lands & Barony of Tillicultry &c.

OUR SOVEREIGN LADY with advice and consent of the Eſtates of Parliament Ratified Approved and perpetually Confirmed and does by thir presents Ratifie Approve and perpetually 6

Confirm a Charter under the great Seal of the date at Saint James's the twelvth day of May I^(m) vij^c and two years granted by her Majeſty with conſent of her Commiſsioners of Theſaury and Exchequer for the time to Mr Robert Stuart of Tillicultrie one of the Senators of the Colledge of Juſtice and his heirs and aſsigneyes whatſoever heritably and irredeemably Of all and haill the Lands and barony of Tillicultry comprehending therein the ſeveral lands teinds acres mill Burgh of Barony weekly mercats yearly fairs and others particularly expreſsed in the samen charter And of all and ſundry the mines and mineralls of gold silver copper tinn lead and others whatsoever within the said Lands Barony and others and within all the bounds mentioned in the rights and infeftments thereof as for the principal And of the Lands and Barony of Duncrub and others particularly therein mentioned in special warrandice and security of the foresaid lands Barony teinds and others principally disponed as said is, Which charter proceeds on the several resignations, decreets of sale and adjudication, and other conveyances therein specified and contains a new gift and dispoſition of the samen haill lands baronies and others foreſaid principal and warrandice With a confirmation of all contracts dispositions charters ſeaſines and other rights of the lands and others foresaid generally and specially therein ſet down made and granted in favors of the said Mr Robert Steuart and his foresaid and of his predeceſsors and authors and a dispensation for takeing one Seaſine of the haill lands and others foresaid principal and warrandice by delivery of earth and stone at the mannour place or any other part of the said lands and Barony of Tillicultrie Which seasine is by the said charter Declared as ſufficient for the said haill lands as well principal as warrandice with the mills woods fiſhings teinds coals coalheughs mines minerals burgh of Barony and others particularly therein mentioned with the pertinents as if a particular Seasine were taken upon every part and portion of the samen notwithstanding that they ly discontigue To be Holden of her Majesty and her ſucceſsors in manner expreſsed by the said charter for payment of the few blench and other duties specified therein Whereby also the marriage of the heirs and aſsigneyes of the said Mr Robert Steuart payable for the said lands and barony of Tillicultry is Given and Disponed to him and his foresaids for payment to Her Majesty and her ſucceſsors of the sum of two hundred pounds Scots money [therefore] as oft as the same ſhall fall To which sum Her Majeſtie did by the foresaid Charter Tax the said marriage in all time comeing And further Her Majeſty with consent foresaid did by the same Declare and Ordain that it should be leiſum and lawful to the said Mr Robert Steuart his heirs and aſsigneyes to alienat and dispone irredeemably or under reverſion the lands and others foreſaid as well principal as warrandice or any part thereof and to grant annuities and infeftments of annualrent without consent of her Majeſty or her ſucceſsors notwithstanding of any clauſes for not alienating or any other prohibitory or irritant clauſes and conditions contained in the rights and infeftments thereof which clauſes for not alienating and all others prohibitory and irritant, ſervices and performances (if any be) contained in the rights and infeftments of the said Lands and Baronies with all caſualities and other benefites which may in all time comeing accreſce and redound by vertue thereof to her Majeſty and her royal ſucceſsors are by the foresaid [Charter] Renunced in favors of the said Mr Robert Steuart and his foreſaids as is more fully expreſsed thereintill And our ſaid Sovereign Lady with consent of the said Eſtates does hereby also Ratifie Approve and perpetually Confirm the precept of Seaſine contained in the said Charter and the inſtrument of Seaſine following thereupon in all and sundry heads points articles and clauses of the said charter precept and ſeaſine And Wills and Grants Statutes and Ordains that the foreſaid charter with the infeftment thereon are and ſhall be conform to the tenors of the same good and ſufficient rights to the said Mr Robert Steuart and his foresaids for poſseſsing and enjoying the lands and others therein mentioned without any ſtopt or impediment in ſo far as concerns the intereſt of her Ma^ty or her royal ſucceſsors and Declares that the same ſhall never be quarrelled by her Majeſty or her said ſucceſsors And also Statutes and Ordains that this preſent ratification of the same shall be to all intents as effectual as if the foresaid Charter precept and inſtrument of Seaſine hereby ratified were word by word inſert herein Whereanent and with all other defects and imperfections that may be alleadged againſt the validity of this preſent ratification or of the foreſaid Writs hereby Confirmed Her Majeſty with conſent foreſaid did dispenſe and hereby dispenſes for ever.

RATIFICATION in favors of Daniel Steuart brother german to Sir William Steuart of Caſtlemilk.

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Commiſsion and Gift under her Majeſties Privy Seal in favors of Daniel Steuart brother german to Sir William Steuart of Caſtlemilk Whereof the tenor follows ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith Forasmuch as We takeing into our royal conſideration the great advantadges which doth accreſce unto our ancient Kingdom of Scotland by a free coinage therein and that by the twenty fourth act of the 7

ſecond Seſsion of the first Parliament of the late King James the ſeventh our Royal father there was granted to his ſaid late Majeſty and for ever annexed to our imperial Croun of our said Kingdom twelve shillings Scots in place of each ounce of bullion formerly impoſed by the eight act of the first Seſsion of the second Parliament of King Charles the Second upon the ſeveral Commodities therein specified for defraying the charges of a free coinage paying the ſallaries of the mint and other uſes therein mentioned Which impoſition and grant is by the collectors tacksmen caſh-keepers or receivers and their deputes to be kept apart by it ſelf from all other customes and revenues in a ſecure chiſt whereof the General or Maſter of the mint is to have one key and the Caſhkeeper and receiver another and not to be opened without the General or Maſter of the mint aforesaid be preſent and to be applyed to the uſe of the said mint allennarly And We graciously Considering That the foresaid imposition was promiscuously mixed with others of our revenues by the Collectors thereof and that considerable sums thereof were ordered to be payed for other uſes and ends than it was appointed for by the said Act Therefore and for preventing the like misapplication hereafter We thought not only convenient but neceſsary to appoint a general receiver collector and caſh-keeper of the said impoſition for receiving of the same from the tacksmen farmers and collectors of the cuſtomes and others lyable in payment thereof who should keep the ſaid money in a ſecure chiſt and alſo a key of the ſaid chiſt conform to the method preſcribed by Law And We understanding that the said office of Receiver-General Collector and Cash-keeper of the said imposition is now vacant in our hands and at our gift and diſpoſition through the deceaſe of our Royal brother King William And We being sufficiently informed of the fidelity loyalty and good qualifications of Daniel Steuart brother german to Sir William Steuart of Caſtlemilk and his fitneſs for diſcharging the ſaid truſt Therefore Wit ye us of our own proper motive and with advice and conſent of our right trusty and right well beloved Couſins and Councillours James Earl of Seafield Lord high Chancellour of our said Kingdom James Duke of Queensberry principal ſecretary of ſtate for our said Kingdom Archbald Duke of Argyll Hugh Earl of Loudoun Alexander Lord Montgomery Adam Cockburn of Ormiſtoun Lord Theſaurer depute and Mr Francis Montgomery of Giffin Lords Commiſsioners of our Theſaury Comptrollery and Theſaury of new augmentations of our said Kingdom and alſo with advice and consent of the remanent Lords and others Commiſsioners of our Exchequer within the same to have Nominated and Appointed Likeas We by thir preſents make nominat and appoint the said Daniel Steuart Receiver generall Collector and Caſhkeeper of the ſaid impoſition dureing our pleaſure only Giveing granting and disponing to the ſaid Daniel Steuart dureing the space foresaid the said place & office of Receiver-general Collector and Caſh keeper of the said impoſition With the yearly fee and ſallary of fifty pounds Sterling money to be payed to him out of the first and readieſt of the fund appointed for paying the fees and ſallaries of the officers of our said mint Together alſo with the whole fees profites benefites caſualities & priviledges belonging or that ſhall be known to appertain and belong therto With all other freedoms eaſements emoluments accommodations and immunities proportionally which are allowed to the other officers of our ſaid mint as well not named as named (Excepting alwayes what is prohibited and innovated by the ſtanding Laws relative to the mint) Together alſo with convenient and ſuteable Lodgeings within the ſaid minthouſe for the ſaid Daniel Steuart and his family to be aſsigned to him by the general thereof And We Command the said yearly fee and ſallary of fifty pounds Sterling money to be punctually payed to the said Daniel Steuart out of the foresaid fund yearly termly and quarterly as is payed to the other officers of our said mint the first terms payment thereof beginning at the feaſt and term of Candlemaſs next to come and ſo furth to continue yearly termly quarterly and continually thereafter dureing the space foreſaid With full power to the said Daniel Steuart as Receiver general Collector and Cashkeeper of the said impoſition and to ſuch as he ſhall appoint for whom he ſhall be anſwerable to receive intromet with and uplift the said impoſition from the ſeveral Tacksmen Farmers and Collectors of our euſtomes over all our ſaid Kingdom and from all others lyable in payment thereof who are alſo hereby required to make payment of the same to the said Daniel Steuart not only what is due and payable at the term of Martinmaſs next but alſo of what is reſting unpayed, and not yet put in the ſaid chiſt conform to the Act of Parliament of all years and terms bygone and in time comeing and to put the samen duly in a ſecure chiſt and to keep the key thereof which was formerly kept by the General of the Mint or by the said Daniel Steuart or Mr William Spens former Collectors of the said impoſition and that dureing the whole space and time of this preſent Commiſsion Requireing hereby the said Daniel Steuart to observe and obey all ſuch orders directions and inſtructions which ſhall be given to him from time to time conform to the tenor of the said Act of Parliament as to [his] receiveing inbringing and uplaying of all sums ariſeing from the said impoſition and to make juſt count and reckoning of all his intromiſsions therewith to the ſaid Lords Commiſsioners of our Theſaury Lord high Thesaurer and Thesaurer depute for the time being yearly termly quarterly and ſo oft as he ſhall be thereto required Commanding like-

wayes the General of our said Mint to receive and admit the said Daniel Steuart in the uſual manner and to Aſsigne to him and his family convenient lodgeings within our said Mint-house And lastly We Declare that We will Ratifie and Confirm this preſent Gift in the first Seſsion of our Parliament to be holden within our ſaid Kingdom Given under our Privy Seal at our Court at Saint James's the thirty first of December I^m^ vij^c^ and two and of our reigne the first year Per signaturam manu S. D. N. Reginæ ſupraſcript. manibusq; Commissionariorum Theſaurarii et Scaccarii ſubscript. Written to the Privy Seal and regrat the first day of June 1703, Sic ſubſcribitur Will. Alves dep^t^. Sealed at Edinburgh the 30th June 1703 Sic ſubſcribitur Pat: Scot, IN all and sundry the heads points articles and clauſes thereof And her Majeſty with Conſent foresaid Statutes & Ordains the foresaid Commiſsion and Gift to be conform to the tenor thereof a good and sufficient right and title to the ſaid Daniel Steuart for poſseſsing & enjoying dureing the space therein mentioned the foresaid office of receiver-general collector and caſhkeeper of the abovewritten imposition With the foresaid yearly fee and sallary of fifty pounds Sterling and all other fees profites caſualities freedomes emoluments and immunities abovementioned Together with the said lodgeings in the Mint houſe as is above expreſsed Dispenseing hereby with all defects and imperfections of the ſaid Commiſsion and Gift and of this preſent Ratification of the same.

RATIFICATION in favors of Sir Gilbert Elliot of Minto and Gilbert Elliot his ſon of the Lands & Barony of Minto.

8 OUR SOVEREIGN LADY the Queens Majesty with advice and consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of Scotland dated at Kensingtoun the twenty eight day of February I^m^ vj^c^ & ninety five years Granted by the deceaſed King William with Conſent of the then Commiſsioners of his Theſaury and Exchec^r^ to Gideon Scot of Heychesters and the heirs male lawfully procreat of his body Which failzieing to the said Gideon Scot his other heirs male whatsoever Which also failzieing to his other heirs and aſsigneyes whatsoever Of all and haill the Lands and Barony of Minto as well two parts as third part thereof property and ſuperiority of the same with all and sundry caſtles touers fortalices mannour places houses biggings yeards orchyeards mills mill lands multures woods fiſhings paſturages annexis connexis tenents tenandries and service of free tenents thereof and of all and sundry the parts pendicles and pertinents of the same whatsoever And of all and haill the half of a merk land of the said Lands of Minto witli houſes biggings yeards and pertinents thereof whatſoever with the advocation donation and heretable right of patronage of the paroch kirk and parochine of Minto and parsonage and viccarage teinds thereof with the manse glibe and kirklands of the samen and with the teinds fruits rents emoluments and duties whatsoever pertaining and belonging thereto with the power of preſenting qualified and able persons to the said kirk and service of the cure thereof as oft and so oft as the samen shall vaik in all time thereafter And likewayes of all and haill the Lands of Craigend and Deanfoot with mannour place houſes biggings yeards moſses muirs meadows parts pendicles and haill pertinents thereof whatsoever with that peice of graſs ground of the mains of Minto lying betwixt the dike called the Horseward and houſe of Craigend Together with the priviledge of commonty and common paſturage and of caſting winning and leading away peats fail and divots furth and from the common moſs and Commonty of Minto all lying within the Barony of Minto and Sherifdom of Roxburgh and all formerly united and incorporat in ane haill and free Barony called then and in all time thereafter to be called The Barony of Minto Declaring that one Seasine to be taken by the said Gideon Scot his heirs and aſsigneyes foresaid in all time thereafter at the said mannour place of Minto ſhould stand & be an sufficient Seasine for all and sundry the said Lands and Barony of Minto & others abovewritten with the pertinents notwithstanding the same ly not contigue and together conform to the Charter granted by her Majeſties said deareſt brother the late King William to the said Gideon Scot thereupon, Which Charter hereby confirmed proceeded upon the said Gideon Scot his own resignation and contains a new gift & dispoſition of the said Lands and Barony with a new Erection of the said Barony and a dispenſation for takeing one Seaſine therefore at the mannor place of Minto Together with an Erection of the Toun of Minto and pertinents in a free Burgh of Barony with all the priviledges liberties and immunities whatsoever belonging to any Burgh of Barony within the Kingdom of Scotland With the power to the said Gideon and his foresaids of keeping thereat a weekly mercat every Wednesday and two fairs yearly one upon the fourteenth of June and the other upon the fourteenth of November With the haill other priviledges rights and liberties particularly & generally set down and contained in the ſaid Charter To be holden of his Majeſty and his ſucceſsors in fee heretage and free Barony for ever as is fully expreſsed in the samen Charter Whereby the duties of ward nonentry relief and marriage formerly payable for the said lands and Barony are Taxed for payment of the sums respective therein ſet down and the heirs are allowed to enter thereto and be infeft therein notwithstanding of their minorities And sicklike Ratifies and Approves another Charter

under her Majeſties Great Seal of Scotland dated at Edinburgh the fourth of August one thousand seven hundred and three years proceeding on the resignation of the said Gideon Scot and granted by her Majesty with consent of her Commiſsioners of Theſaury and Exchequr for the time to and in favors of Sir Gilbert Elliot of Minto Knight and Baronet one of the Senators of the Colledge of Juſtice then deſigned of Headshaw in liferent dureing all the dayes of his lifetime and to Gilbert Elliot his eldeſt ſon procreat betwixt him and Dame Jean Carr his spouse and the heirs male of his body Which failzieing to the said Sir Gilbert himſelf and the heirs male to be procreat of his body in this preſent or any other marriage Which failzieing to Robert Elliot of Middlim-mill and the heirs male of his body Which failzieing to ſuch persons and heirs of proviſion one or more to be named by the ſaid Sir Gilbert by an write under his hand in leidge pouſtie And failzieing any such nomination or if the same be revocked then to the said Sir Gilbert his neareſt heirs and aſsigneyes whatſoever the eldeſt heir female alwayes succeeding without diviſion in fee heretably and irredeemably and with and under the provisions conditions burdens restrictions and irritancies particularly therein mentioned Of all and haill the Lands and Barony of Minto Comprehending therein all and haill the lands of Minto as well two parts as third part thereof property and superiority of the same with caſtles touers fortalices mannor places houſes biggings yeards and others abovementioned, All and haill the half merk land of the lands of Minto with houſes biggings yeards orchyeards and pertinents thereof with the advocation donation and heretable right of patronage of the paroch Kirk of Minto with the teinds parsonage and viccarage of the same with the manse glibe and kirklands thereof and with the teinds farms profites rents emoluments and other duties whatsoever belonging and pertaining thereunto with power to present persons fit and sufficiently qualified to the said church and serveing the cure thereof whensoever the samen shall vaick And also comprehending the lands of Craigend and Deanfoot with the mannour place houſes biggings yeards moſses muirs meadows parts pendicles and haill pertinents of the same whatsoever with that peice of graſs ground of the mains of Minto lying betwixt the dike called the Horseward and the houſe of Craigend Together also with the Toun and burgh of Barony of Minto with the priviledge of a weekly mercat every Wednesday with two fairs yearly the one upon the fourteenth of June and the other upon the fourteenth of November to be kept and holden thereat with the haill tolls cuſtomes caſualities and duties belonging thereto and all rights priviledges liberties & immunities of a free Barony and burgh of Barony mentioned and contained in the above Charter in favors of the said Gideon Scot To be holden of her Majeſty and her highneſs ſucceſsors in manner abovespecified for payment of the taxt ward duties therein contained for the ſaid Lands Barony & others abovewritten dureing the time of the ward and nonentry thereof and for the relief of the same and for the marriage so oft as the samen vaicks Together with the precepts of Seasine contained in the said several Charters and Instruments of Seaſine respective following thereon In all and sundry the heads clauſes articles privileges rights circumstances and conditions therein mentioned as well expreſsed as not expreſsed after the forms and tenors of the samen in all points with all that has followed or may follow thereupon And her Majeſty with consent of the said Eſtates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foresaid Charters and Infeftments thereon shall be good and ſufficient rights conform to the tenors of the ſame to the ſaid Sir Gilbert Elliot his ſon and their foreſaids for poſſeſsing and enjoying the said lands Barony and others abovewritten without ſtopt or impediment and that the same shall never be quarrelled by her Majeſty or her ſucceſsors and alſo that this present Ratification shall be as valid effectual and sufficient to all intents and purposes as if the foresaid Charters precepts and inſtruments of seasine following thereupon were herein de verbo in verbum at length inſert and ingroſsed with the not inserting whereof and with all other Objections that may be proponed against the validity of this Ratification or rights hereby ratified Her Majeſty with consent foresaid dispenſed and hereby dispenses for ever.

RATIFICATION in favors of Sir Gilbert Elliot of Minto and Gilbert Elliot his ſon of the Barony of Headshaw.

OUR SOVEREIGN LADY the Queen's Ma- 9
jestie with advice and consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of Scotland of the date at Kensingtoun the eleventh day of January I^m vij^c^ years granted by his late Majesty King William her Majestie's royal brother with conſent of his Commiſsioners of Theſaury and Exchequher for the time proceeding on the resignation of Sir Gilbert Elliot of Minto one of the Senators of the Colledge of Juſtice, then designed Advocat and Clerk to the Privy Council to and in favors of the said Sir Gilbert Elliot in liferent dureing all the dayes of his lifetime and Gilbert Elliot his lawful ſon and the heirs male to be procreat of his body Which failzieing to the neareſt and lawfull heirs male of the said Sir Gilbert Which failzieing to the said Sir Gilbert his neareſt and lawfull heirs and aſsigneyes whatsoever in fie heretably and irredeemably and under the conditions and reſervations therein mentioned Of all and

haill the Lands of Headshaw with mannor place and dwelling houſe thereof with the mill mill lands sequels and other duties of the same And of all and haill the lands of Crawknow lands of Dryden and Clews houſes yeards orchyeards moſses muirs meadows outsets insets annexis connexis and haill parts pendicles and pertinents of the said lands respective whatsoever lying within the parochine and Barony of Askirk Regality of Glasgow and Sherifdom of Roxburgh As also her Majesty with advice and consent foresaid Ratifies and Approves the new gift and dispoſition specified and contained in the said Charter of the said haill Lands and others abovewritten Together with the advocation donation and right of patronage of the pariſh kirk and parochine of Askirk with all right his Majesty or his predeceſsors had to the teinds great and small parsonage & viccarage of the said parochine of Askirk according to the Laws and Acts of Parliament made anent patrons gifted and disponed by her Majeſties said Royal brother in favors of the said Sir Gilbert and Gilbert Elliots and their foresaids Together alſo with the Erection of the said haill lands right of patronage and teinds in a free Barony to be called in all time comeing the Barony of Headſhaw appointing the manſion house of Headshaw to be the principal meſsuadge of the ſaid Barony and that a Seaſine to be taken thereat ſhall be ſufficient for the said haill Lands and Barony foresaid in favors of the ſaid Sir Gilbert and Gilbert Elliots and their foreſaids With and under the proviſions conditions and reſervations specified in the said Charter To be holden of his Majesty and his ſucceſsors by the said Sir Gilbert and Gilbert Elliots and their foresaids for payment of the sum of fifeteen pounds six shilling eight pennies for the said Lands of Headshaw mill thereof and Lands of Dryden with the pertinents and of the sum of fourty shilling Scots for the Lands of Crawknow and Clews in name of few ferme with thirteen shilling four pennies in augmentation of the rental And also for payment of one penny Scots money in name of blench ferm if it be aſked allennarly for the said Barony and right of patronage of the said kirk of Ashkirk and the teinds parsonage and viccarage of the paroch thereof, in manner fully expreſsed in the said Charter Together with the precept of Seaſine therein contained and inſtrument of Seasine following thereon In all and sundry the heads clauſes articles priviledges rights circumſtances and conditions therein mentioned after the forms and tenors of the same in all points And her Majesty with consent of the said Eſtates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foreſaid Charter and Seasine thereon ſhall be good and ſufficient rights conform to the tenors of the same to the said Sir Gilbert Elliot his ſon and their foresaids for poſſeſsing and enjoying of the said Lands Barony and others abovewritten without stopt or impediment and that the same shall never be quarrelled by her Majeſty or her ſucceſsors And also that this present Ratification shall be as valid effectual and sufficient to all intents and purpoſes as if the foreſaid haill Charter and precept with the inſtrument of Seasine following thereupon, were herein de verbo in verbum insert and ingroſsed with the not inserting whereof and with all other objections that may be proponed againſt the validity of this Ratification or rights hereby ratified Her Majeſty with consent foresaid has dispensed and hereby dispenses for ever.

RATIFICATION in favors of David Earl of Leven of a tack of the feu & teind duties of lands within the parishes of Dumfermling Kinglaſsie & Newburn

OUR SOVEREIGN LADY with the special advice and conſent of the Eſtates of Parliament Ratifies Approves and Confirms a tack expede under her Majeſties Privy Seal of the date at Saint James's the fifeteenth day of May I^m^ vij^c^ and two years granted by her Majestie with consent of her Commiſsioners of Thesaury and Exchequer for the time to David Earl of Leven his heirs and Aſsigneyes whatsoever dureing the space of two nineteen years compleat beginning at the term of Whitſunday I^m^ vij^c^ and two years Of all and sundry the few and teind duties payable to her Majeſty furth of all and whatsoever Lands lying within the parochines of Dumfermling Kinglaſsie and Newburn which are parts and portions of the Lordship and Regality of Dumfermling and which were formerly set in tack to the deceaſed Charles Earl of Dumfermling which is now expired Excepting alwayes the lands now belonging to the Earl of Rothes in the parochine of Kinglaſsie conform to a tack ſet to him And provideing that the said tack hereby ratified shall not comprehend nor extend to the few and teind duties that were poſseſsed by the deceaſed John Marqueſs of Tweeddale as haveing right to a tack of the Lordſhip and Regality of Dumfermling set to the deceaſed Earl of Dumfermling Of which feu and teind duties the ſaid umq^t^ Marqueſs and John now Marqueſs of Tweeddale obtained a new tack from his deceaſed Majeſty. With full power to the ſaid David Earl of Leven dureing the foresaid space to intromet with and uplift by himself and his factors in his name all and ſundry the feu and teind duties thereby ſet and to apply the same to his own proper use and behoove and to raiſe and execute inhibitions for the ſaid teinds yearly and if need beis to call follow and pursue therefore as accords of the law. With free iſh and entry thereto and with all other freedoms commodities eaſements profites and righteous pertinents appertaining or that shall be righteouſly known to appertain thereto as fully and amply as

at any time before the said few and teind duties were occupied and poſſeſſed by the said deceaſed Earl of Dumfermling or any of his predeceſſors or ſucceſſors by vertue of the tack therein mentioned or any other tacks granted by her Majeſties predeceſſors to them freely quietly well and in peace but any revocation obstacle or again calling whatſoever Provideing that the granting of the foresaid tack hereby ratified and the acceptation thereof by the said David Earl of Leven shall nowayes hurt weaken or prejudge any former right or title which the said Earl has to the paroch kirk of Newburn as patron thereof or otherwayes But it ſhall be lawful to him to bruik and poſſeſs by vertue of both or either of the said rights at his pleaſure Paying therefore yearly the said David Earl of Leven his heirs and aſsigneyes foresaid to her Majesty and her ſucceſſors and Chamberlands in their names the ſum of Ten pounds Scots money in name of tack duty at the term of Whitsunday yearly dureing the said tack in manner more fully expreſsed therein In all and sundry heads articles and clauſes thereof And her Majeſty Wills and Grants and for her and her royal ſucceſſors Statutes and Ordains the ſaid tack to be a good valid and ſufficient right conform to the tenor of the same to the said David Earl of Leven and his foresaids for poſſeſsing and enjoying the feu and teind duties thereby set dureing the space therein and above mentioned in ſo far as concerns the intereſt of her Majeſty And with consent foresaid Declares that the same shall never be quarrelled nor revocked by her Majeſtie nor her ſucceſſors in time comeing And that this present Ratification shall be as valid and ſufficient to all intents as if the said tack were word by word insert herein Whereanent and with all other defects and imperfections of this present Ratification and of the said tack ratified hereby her Majeſty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Lieutenent Collonel William Maxwell of the Lands & Barony of Cardineſs

11 OUR SOVEREIGN LADY and Eſtates of Parliament preſently conveened by her Majeſties special authority have Ratified and Approven and hereby Ratifies and Approves a Charter expede under her Majeſties great Seal proceeding by warrand upon a ſignature under the hand of his Majeſtie the deceaſed King William of glorious memory of the date at Kensingtoun the third day of February I^{m} vij^{c} and two years granted with consent of the Commiſsioners of Thesaury and Exchequer for the time and proceeding upon the several decreets of adjudication decreet of sale resignations and other conveyances therein specified in favors of Lieutenent Colonell therein designed Captain William Maxwell of Briggadeer Maitland's regiment in liferent dureing all the dayes of his lifetime and William Maxwell his eldeſt lawfull ſon and the heirs male to be procreat of his body Which failzieing to his other heirs male and of tailzie and provision and to his other heirs and aſsigneyes respective and ſucceſsive therein mentioned heretably and irredeemably in fie (with and under the provision condition power and faculty conceived in favors of the said Lieutenent Colonell William Maxwell and with and under the other conditions proviſions and reſtrictions respective therein expreſsed) Of all and haill the Lands and Barony of Cairdineſs comprehending the several touns lands mills woods fishings rights of patronages teinds multures and others respective therein contained And of the two merk and an half merk Land of Killearn And the half merk Land of Tor with all their pertinents all lying within the Steuartry of Kirkcudbright as prin^{is} And of the Lands and Baronies of Castlesteuart and Ravenſtoun with their pertinents in real warrandice By which Charter their Majeſties for the onerous cauſes and upon the considerations particularly and generally therein expreſsed were graciouſly pleaſed to erect these Lands of the said Barony called the Clachan of Anwith and Marquocher with the Crofts pertaining to the mains of Cardineſs adjacent thereto and the house of Cardineſs called Ardwell or Buſsavell adjoined with the haill houſes biggings yeards tofts crofts and other pertinents thereof belonging thereto in an free Burgh of Barony to be called the Burgh of Cardineſs At which they are impouered to keep a weekly mercat and four free fairs yearly on the dayes therein expreſsed and to receive and dispose on the tolls and cuſtomes thereof And alſo erected that part of the Barony of Cardineſs lying upon the west side of the water of Fleet where the same falls into the sea in ane free port and harbour Giveing to the said Lieutenent Colonell his son and their foresaids power to build the said harbour with the ſeveral priviledges and casualities therein specified Which Charter contains alſo a new Gift and Diſpoſition of the said haill Lands and Baronys principal and warrandice and of the said Burgh of Barony fairs mercat and free port and harbour priviledges and caſualities of the same with all right their Ma^{ts} had or might pretend thereto And an new Erection of the said haill Lands Burgh and others principally above disponed in an haill and free Barony to be called as of before the Barony of Cardineſs Ordaining the castle and touer of Cardineſs to be the principal meſsuage thereof and one Seasine to be taken thereat or upon the ground of any part of the said Barony be tradition of earth and stone allenarly to be ſufficient for the haill foresaid principal Lands Burgh of Barony free port and harbour and alſo for the said Lands and Baronys with the pertinents disponed in real warrandice To be holden of their Majeſties and their

Royal ſucceſsors in free Barony Burgh of Barony fee and heretage for ever For payment for the said principal Lands of the taxt ward duties for the ward nonentry relief and marriage respective contained in the former Charter and Infeftment thereof granted to umq^{ll} Sir Godfrey Mackulloch of Myretoun taxing the ſaid Lands and whereby their Majesties of new Taxes the ſame to the ſaid former Taxt duties and dispenses with the entry of the heirs notwithstanding of their minority And for the ſaid new erected Burgh of Barony free port and harbour fairs and mercats tolls and customes ane penny Scots money of blench duty yearly at the mercat croſs of the said Burgh, with due adminiſtration of juſticé And for the Warrandice Lands when the samen shall fall in warrandice the few and blench duties and other duties and services contained in the former infeftments thereof in manner at length specified in the said Charter and Infeftment Together with the Inſtrument of Seasine following on the samen in the haill heads clauſes conditions tenors and contents thereof with all that has followed or may follow thereupon And her Majeſty and Eſtates of Parliament foresaid Wills Grants and for them and their ſucceſsors Statutes and Ordains that the foresaid Charter and Infeftment thereon shall be good valid and ſufficient rights conform to the tenors of the same to the said Lieutenent Collonell William Maxwell his son and their foresaids for poſſeſsing and enjoying the said haill Lands and Barony principally disponed and in caſe of eviction the said warrandice Lands without ſtopt or impediment and that the same shall never be quarrelled by her Majesty or her ſucceſsors, And that this present general Ratification is and ſhall be as effectual and ſufficient to the said Lieutenent Collonell William Maxwell and his said ſon and their foreſaids in all time comeing as if the said Charter under the Great Seal containing the foresaid Erection had been duely paſt and expede under the great Seal before the death of the late King William and as if the samen with the inſtrument of Seaſine following thereupon were herein particularly and verbatim insert and ingroſsed Whereanent and with all other exceptions and objections that may be moved proponed or alleadged ag^{t} the validity of this present Ratification or rights thereby confirmed her Majeſtie and Eſtates of Parliament foresaid have dispenſed and hereby dispenſes for ever.

RATIFICATION in favors of Arthur Forbes of Echt of the Barony of Echt

12 OUR SOVEREIGN LADY with the advice and conſent of the Eſtates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Kensingtoun the twenty eight day of April I^{m} vj^{c} and ninety eight years granted by the deceaſed King William with consent of his Commiſsioners of Thesaury and Excheq^{r} for the time and proceeding upon the resignation of the now deceaſed Thomas Forbes of Echt to and in favors of Arthur Forbes now of Echt his eldeſt lawfull son in fie and to the heirs male of his body Which failzieing to return to the neareſt & lawful heirs male of the said umq^{ll} Thomas Which all failzieing to his neareſt and lawfull heirs and aſsigneyes whatsoever heretably and irredeemably under the provisions therein expreſsed Of all and haill the Lands and Barony of Echt comprehending all and haill theſe Six pound Lands of old extent of Tillifour old and new Weſter Echts with the mills of Tillifour mill lands multures sequells and knaveſhips thereof and the pendicles aftermen^{t} vi^{z}. Tillieoch Tilliboy Wauchtundale Tilliechodie and Broomhill with the pertinents of the same The ten ſhilling land of old extent called the Weſt third part of the touns and lands of Finnersies called the meikle & little Finnersies and Monecht with the pertinents with the third part of the mill thereof and third part of the mill-lands multures ſequels and knaveſhips of the ſame The Lands called Millhill of Echt with houſes biggings yeards tofts crofts parts pendicles and their pertinents all lying in the parochine of Echt and sherifdom of Aberdeen with the mill mill lands multures ſequells and knaveſhips houſes biggings yeards outsets insets moſses muirs annexis connexis woods fiſhings tenents tenandries ſervice of free tenents parts pendicles and haill pertinents of the said Lands and others abovewritten with free right of the Foreſt where woods parks and boigs were or ſhall happen to be within the said Lands and Barony or any part thereof Together with the advocation donation and right of patronage of the parsonage and viccarage of the kirk of Echt and teinds parsonage and viccarage of the same with the teinds fruits profites and duties belonging thereto and their pertinents And alſo all and haill that ſunny third part of the Touns and Lands of meikle and little Finnerſies and Monecht with the pertinents and the third part of the mill of meikle Finnersie and of the mill lands multures sequells and knaveships thereof pertaining thereto with all and sundry houſes biggings yeards orchyeards moſses muirs paſturages tofts crofts outsets insets annexis connexis dependences parts pendicles and all their pertinents lying within the parochine of Echt and sherifdom of Aberdeen foresaid and all united erected and incorporated in an haill and free Barony called the Barony of Echt conform to the Charter of erection thereof granted to Arthur Forbes of Echt deceaſed in liferent and the said umq^{ll} Thomas Forbes his son in fie under the Great Seal of this Kingdom of the date at Edinburgh the eighteenth day of February I^{m} vj^{c} and seventy six years whereby the mannor place and house of Echt is ordained to be the principal meſ-

suage of the said Barony and one Seasine to be taken there is declared ſufficient for the said haill Barony notwithstanding of it's discontiguouſneſs in manner more fully specified in the said Charter All which Lands and others abovewritten are by the foresaid Charter hereby ratified of new given and disponed to the ſaid Arthur Forbes in fie and to his heirs and others abovemen' heretably and irredeemably under the provisions therein specified with all right title and intereſt which her Majeſty her predeceſsors or ſucceſsors had have or any wayes may have thereto or to any part thereof in manner more fully expreſsed in the said Charter Whereby alſo the Toun of the mains of Echt with all and ſundry Lands tenements cottages houſes biggings yeards orchyeards muirs meadows mariſhes tofts crofts parts pendicles and pertinents lying within the territory thereof and built or to be built thereon is erected in a free Burgh of Barony to be called the Burgh of Barony of Echt with the powers priviledges and liberties expreſsed in the said Charter and particularly with power to the said Arthur and his foresaids of keeping a mercat weekly upon Thursday and two fairs yearly one thereof to be called Thomas fair and to begin upon the firſt Tuesday of June and the other to be called Kathrin's fair and to begin on the third Tuesday of Auguſt each of them to continue three dayes and of uplifting and receiveing and imploying for their own use the tolls cuſtomes and caſualities of the said fairs and weekly mercat By which Charter the said haill Lands and Barony of Echt comprehending as said is and the said Burgh of Barony with the haill liberties priviledges and immunities pertaining thereto are of new united and erected in an haill and free Barony to be called the Barony of Echt Ordaining the new mannor place or Caſtle of Echt to be the principal meſsuage of the said Barony and that one Seasine to be taken thereat should be sufficient for the said haill Barony and others foreſaid To be holden of his Majeſty and his succeſsors in manner expreſsed in the said Charter Whereby the said haill Barony united as ſaid is with dispenſation for takeing Seaſine at the mannor place thereof lying in the shire of Aberdeen is absolved from all other Sherifdomes and ordinary Juriſdictions whatſoever by vertue of the said new union and the ward nonentry relief and marriage of the heir or heirs oneror mae with all the profites of the said marriages when the samen shall fall respective are Given and Disponed of new to the heirs male aſsigneyes and ſucceſsors of the said Thomas and Arthur Forbeſses ſucceeding to them in the ſaid Lands and Barony And it's ordained that whensoever and as oft as the said Lands Barony and others foresaid or any part thereof shall fall in ward & nonentry and the relief and marriage of the said heirs and ſucceſsors shall fall in the hands of his Majeſty and his ſucceſsors that then and as oft the said heirs male ſucceſsors and aſsigneyes of the said Thomas and Arthur Forbeſs's and their tennents for the time ſhall not only poſseſs the same dureing the haill space of the ward and nonentry with the haill profites thereof and the haill benefite of the relief and marriage But alſo it ſhall be lawful to the heirs male and other ſucceſsors and aſsigneyes of the said Thomas and Arthur Forbes's to obtain themselves served retoured entered infeft and seased at any time of their age even tho in minority without any dispensation in the haill Lands and Barony of Echt comprehending as ſaid is notwithstanding that the samen are holden ward for payment yearly at two terms Whitsunday and Martinmaſs by equal portions of the ſum of One hundreth and ſixty pounds Scots money for the ward and nonentry or any of them when they shall happen and of the like ſum for the relief of the said Lands and Barony and of the sum of Three hundreth and twenty pounds for the said marriage or marriages of the heir or heirs when the samen respective shall happen to fall Which sums his Majesty with consent foresaid did by the said Charter hold reasonable for the values profites and commodities of the said ward nonentry relief and marriage respective and every one of them And his Majeſty with conſent foreſaid did by the said Charter alſo Ratifie and Confirm the ſeveral rights and ſecurities granted to the said deceaſed Arthur and Thomas Forbes's of Echt and to the ſaid Arthur Forbes now of Echt of the Touns and Lands of Culquhorsie Dumbreck Kirktoun of Echt Hillside and Knockquhairne with the mills mill lands and pertinents thereof Holden of George Duke of Gordon his heirs and ſucceſsors in manner fully expreſsed in the said Charter Together with the precept of Seaſine therein contained and inſtrument of Seaſine following thereupon in all and ſundry heads articles clauſes proviſions and conditions of the same And her Majeſty with conſent of the Eſtates of Parliament Wills and Grants and for her and her royal ſucceſsors Statutes and Ordains that the foresaid Charter with the infeftment thereon ſhall be good valid and ſufficient rights conform to the tenors of the same to the said Arthur Forbes now of Echt and his heirs male and others foresaid for poſseſsing and enjoying the said haill Lands and Barony comprehending as said is and of new united in manner abovementioned without any ſtopt or impediment in ſo far as concerns the intereſt of her Majeſty or her royal ſucceſsors and that the ſame ſhall never be quarrelled by her Majeſty or her ſaid ſucceſsors and alſo that this preſent general Ratification is and ſhall be as valid and effectual to all intents to the said Arthur Forbes and his heirs and others ſucceeding to him by vertue of the ſaid Charter as if the samen Charter and Seaſine thereon were word by word insert herein with the not inſerting whereof and with all other objections that may be proponed againſt the validity of this

preſent Ratification or rights thereby ratified Her Majeſty with consent foresaid has dispenſed and hereby dispenſes for ever.

RATIFICATION in favors of John Leith of Leithhall and John Leith his son of the Lands & Barony of Leithhall.

13 OUR SOVEREIGN LADY and Eſtates of Parliament presently conveened by her Majeſties special authority have Ratified and Approven and hereby Ratifies and Approves ane Charter under the great Seal bearing date at Kensingtoun the first day of April I^m vij^c^ and one years granted by the deceaſed King William with consent of the Commiſsioners of his Theſaury and Excheq^r^ for the time and proceeding on the resignations of John Leith of Leithhall and of umq^t^ John Earl of Mar and the deceaſed William Gordon of Tapersie John and Henry Gordons his ſons and umq^t^ Mr James Leith of Leithhall sometime designed of Newleſly father to the said John Leith Aſsigneys of the said John Earl of Mar to and in favors of the said John Leith of Leithhall he being on life dureing all the dayes of his lifetime and to John Leith his lawful ſon and the heirs male lawfully to be procreat of his body Which failzieing to the other heirs male and of tailzie and proviſion respective and ſucceſsive therein mentioned and failzieing of them to the said John Leith elder and his heirs and aſsigneys whatsoever heretably & irredeemably in fie With and under the condition proviſion power and faculty conceived in favors of the said John Leith elder Of all and haill the Lands & Barony of Leithhall comprehending the ſeveral and particular touns lands mannor places mills teinds priviledge of a yearly fair customes and commodities belonging thereto and others respective therein mentioned lying within the parochine of Leſline and sherifdom of Aberdeen and all formerly United Erected and Incorporated in an haill and free Barony called the Barony of Leithhall All which Lands Barony and others mentioned in the said Charter with all right his Majeſty had or might pretend thereto or to the maills and duties thereof bygone and in time comeing are therby of new Given and Disponed to the said John Leith elder dureing his lifetime and to the said John Leith his ſon and to the heirs male of his body Which failzieing to the said other heirs male and of tailzie and proviſion respective therein specified heretably & irredeemably in fie under the foresaid proviſion and faculty conceived in favors of the said John Leith elder and fully expreſsed in the said Charter Which contains alſo an new Erection of all the foresaid Lands and Barony priviledge of a fair teinds mills and others therein expreſsed in an haill and free Barony to be called as before the Barony of Leithhall Ordaining the mannor place of Leithhall to be the principal meſsuage thereof and one Seaſine to be taken in all time comeing thereat or upon any part of the said Lands to be ſufficient for the ſaid haill Barony united as said is and every part of the same To be holden of his Majeſtie and his royal ſucceſsors in taxtward few and blench ferme respective free Barony fie and heretadge for ever in manner fully expreſsed in the said Charter Whereby also the duties of ward nonentry and relief of the said Lands and Barony of Leithhall and the marriage of the heir or heirs when and as oft as the same ſhall fall out are aſsigned and disponed to the said John Leith elder his ſon and their foresaids for payment of the ſum of eighty six pounds Scots money yearly at two terms in the year Whitsunday & Martinmaſs by equal portions dureing the waird and nonentry, as much for the relief And of the sum of one hundred and sixty three pounds for the marriage of the heir when and how oft ſoever the samen shall happen to fall To which sums respective the foresaid ward nonentry relief and marriage are taxed, and also the heirs are allowed to be entered ſerved retoured and infeft in the ſaid Lands and Barony notwithstanding of their minority in manner at length specified in the said Charter, Together with the precept of Seaſine therein contained and inſtrument of Seaſine following thereupon In the haill heads clauſes conditions tenors and contents thereof with all that has followed or may follow thereupon And her Majesty and Estates of Parliament foresaid Wills and Grants and for them and their ſucceſsors Statutes and Ordains that the foresaid general Ratification is and shall be as valid effectual and ſufficient to the said John Leith and his said son and his foresaids in all time comeing as if the said Charter under the great Seal containing the said new Gift new Erection and the Taxing of the ward nonentry relief and marriage and inſtrument of Seaſine following thereupon were herein particularly and verbatim insert and ingroſsed whereanent and with all other exceptions and objections that may be moved proponed and alleadged againſt the validity of this present Ratification Her Majesty and Estates of Parliament foresaid have dispenſed and hereby diſpenſes for ever.

RATIFICATION and Act in favors of John Forbes of Balflug and George Forbes his Son of the Barony of Alfoord.

OUR SOVEREIGN LADY and Estates of Parliament presently conveened by her Majeſties special authority have Ratified and Approven and hereby Ratifies and Approves ane Charter under the great Seal of the date at Kensingtoun the third of February I^m vij^c^ and two granted by the deceaſed King William with conſent of the 14

Commiſsioners of Theſaury and Exchequr for the time and proceeding on the reſignation of John Forbes of Balflug to and in favors of the ſaid John Forbes he being on life dureing all the dayes of his lifetime and of George Forbes his eldeſt lawful ſon and the heirs male lawfully to be procreat of his body Which failzieing to Alexander Forbes his ſecond lawful ſon and the heirs male lawfully to be procreat of his body Which failzieing to John Forbes his third lawful ſon and the heirs male lawfully to be procreat of his body Which failzieing to the ſaid John Forbes elder his other heirs male therein mentioned And failzieing of them his heirs or aſsigneys whatsoever in fie heretably and irredeemably with and under the condition proviſion power and faculty therein mentioned conceived in favors of the said John Forbes elder Of all and haill the Lands & Barony of Alfoord comprehending the ſeveral and particular Touns Lands mills and others respective therein ſpecified and ſpecially of an little fair or mercat called Andersmaſs fair holden yearly at and upon the Toun of the mains of Alfoord with the tolls cuſtomes priviledges and liberties whatsoever belonging to the said fair or mercat all lying within the parochine of Alfoord and sherifdom of Aberdeen and all formerly united erected and incorporated in an haill and free Barony called the Barony of Alfoord Which Charter contains a new gift or diſpoſition to and in favors of the said John Forbes elder dureing all the dayes of his lifetime and to the said George Forbes his son and the heirs male of his body Which failzieing to the other heirs male and of tailzie and proviſion abovementioned heretably and irredeemably under the proviſion therein ſpecified of the ſaid Lands Barony and others foresaid with all right his Majeſty had or could pretend thereto or to the maills and duties thereof bygone or in time comeing & an new Erection of the foresaid Lands and others therein ſpecified in an haill and free Barony to be called as before the Barony of Alfoord whereof the mannor place of Balflug is ordained to be the principâl meſsuage and one Seaſine to be taken thereat or any part of the said Lands is declared to be ſufficient for the haill Barony and every part thereof in all time comeing To be holden of his Majeſty and his royal ſucceſsors in free Barony fie and heretadge for ever For payment of the rights and ſervices uſed and wont By which Charter also the duties of wård nonentry relief and marriage payable for the said Barony are taxed for payment of the ſum of Two hundred and fourty six pounds thirteen ſhilling four pennies Scots money yearly dureing the ward and nonentry as much for the relief and of the ſum of four hundred and ninety three pounds six ſhilling eight pennies money foresaid for the marriage of the heir when and how oft ſoever the ſamen ſhall happen to fall in all time comeing And the heirs are allowed to be ſerved retoured infeft and ſeaſed in the said Lands Barony and others foresaid notwithſtanding of their minorities in manner at length ſpecified in the ſaid Charter Together with the precept of Seaſine therein contained and inſtrument of Seasine following thereupon In the haill heads clauſes conditions tenors and contents thereof with all that has followed or may follow on the same And her Majeſty and Eſtates of Parliament foresaid Wills and Grants and for them and their ſucceſsors Statutes and Ordains That the foresaid General Ratification is and ſhall be as valid effectual and ſufficient to the said John Forbes and his said ſons and their foresaids in all time comeing as if the said Charter under the great Seal containing the said new Gift new Erection and Taxing of the ward nonentry relief and marriage and the inſtrument of Seaſine following thereupon were herein particularly and verbatim insert and ingroſsed Whereanent and with all other exceptions and objections that may be moved proponed or alleadged against the validity of this preſent Ratification Her Majesty and Eſtates of Parliament foresaid have dispenſed and hereby dispenſes for ever And her Majesty and Estates of Parliament considering That by the rights and infeftments formerly granted to the predeceſsors of the ſaid John Forbes there was given to them the right and priviledge of keeping a weekly mercat and yearly fair on the days following at the Toun and Lands of Endovie which is a part of the said Barony of Alfoord lying in manner foreſaid and that it is very fit for the good of the inhabitants of the ſaid place and of her Majeſties other Leidges dwelling near thereto to Revive and Renew in manner underwritten the ſaid weekly mercat & yearly fair which is now become in diſuetude Therefore her Majeſtie and the said Estates of Parliament do by thir preſents without prejudice of the said other fair granted by the said Charter called Andersmaſs fair of new Appoint a weekly mercat to be keept in all time comeing at the said Toun and Lands of Endovie upon every Thursday and a fair to be holden thereat yearly in all time comeing upon the third Tuesday of May and to continue four dayes called Saint John's fair And have Given and Granted and hereby Give and Grant to the said John and George Forbes's and their foresaids in liferent and fie respective as said is the right and priviledge of keeping the said weekly mercat and yearly fair for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages uſed and wont to belong to any haveing the right of keeping fairs and mercats within this Kingdom.

RATIFICATION in favors of James Earl of Mortoun of the Gift of an Annuity out of the Earldom & Lordships of Orkney & Zetland

15 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Gift under the Privy Seal of the date at Windſoir Caſtle the fifth day of Auguſt I^m^ vij^c^ and two years granted by her Majesty with consent of her Commiſsioners of Thesaury and Exchequer for the time in favors of James Earl of Mortoun his heirs and ſucceſsors By which Gift her Majeſty in consideration of the Recommendations therein mentioned from the Parliament in favors of the said Earl for an allowance to him to prosecute a reduction of the Decreet and Act of Parliament therein expreſsed and for a provision to him in the mean time untill the said cause were finally discuſsed did with consent foresaid Give and Grant to the said Earl and his foresaids an annuity of Ane thousand pounds Sterling or twelve thousand pounds Scots to be payed to him and them yearly out of the first and readieſt of the rents duties profites and casualities of the Earldom and Lordships of Orkney and Zetland includeing alwayes and in full satisfaction of all former Settlements made to him out of the foresaid Lands or any other manner of way on the foresaid account beginning the first terms payment of the foresaid Thousand pounds Sterling at the term of Martinmaſs then next to come and so furth yearly and termly ay and while his foresaid cauſe be of new tryed and finally diſcuſsed And for the said Earl and his foresaids their more sure payment Her Majeſty with advice and consent foresaid aſsigned and made over to him and them yearly as much of the said yearly rents duties profites casualities and firſt and readieſt thereof as will yearly pay and clear the foresaid annuity And further in respect that the rents duties and casualities of the foresaid Earldom and Lordship were then in collection Her Maty nominated and appointed the ſaid James Earl of Mortoun and his foresaids and their deputes for whom they ſhould be anſwerable Her Majeſties Chamberlains and Collectors of the said haill rents duties and casualities and that as fully and effectually as if a special and ample letter of Chamberlainry with all clauses ordinar had been given to them for that effect With proviſion alwayes that after payment to himſelf and them in the first place of the foresaid free annuity he and they ſhould be countable to the Commiſsioners of the Thesaury for the remaining ſuperplus of the said rents duties and casualities when required and should find good and ſufficient ſecurity for that end As alſo that if the ſaid Lords Commiſsioners of the Thesaury ſhould think fit rather to ſet the ſaid Earldom and Lordship in tack than continue it in collection they might freely do the same Provideing nevertheleſs likeas Her Majeſty by the said Gift expreſly Ordained that when the said Commiſsioners ſhould think fit to ſet the foresaid tack they should take the Tacksmen ane or mae expreſly oblidged in the body of their tack to pay to the said Earl and his foresaids or their order the foresaid annuity yearly and termly in the first end of their tack duty and to be allowed to the said Tacksmen on his or their recept without any neceſsity of any interveening precept and order of Thesaury for that effect and so as the said Earl and his foresaids may have immediat diligence on the ſaid regiſtred tack againſt the said Tacksmen for recovering payment of the said annuity in the forend of the said tack duty without any delay, as the said gift bears, in all and sundry heads articles and clauſes thereof And her Majeſty with advice and consent of the said Eſtates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foresaid Gift is and shall be conform to the tenor of the same a good valid and sufficient right and title to the ſaid James Earl of Mortoun for poſseſsing and enjoying without ſtopt or impediment the foresaid annuity in manner and dureing the ſpace abovementioned and Declares that the same shall never be quarrelled or revocked by her Majeſty or her ſucceſsors in time comeing and that this preſent Ratification is and ſhall be as valid and ſufficient to all intents as if every word of the said gift were inſert herein with the not inserting whereof and with all other objections that may be proponed against the validity hereof or of the said gift hereby confirmed Her Maty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of James Earl of Mortoun of the Earldom of Mortoun.

OUR SOVEREIGN LADY with advice and 16
consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Saint James's the laſt day of March I^m^ vij^c^ and four years granted by her Majeſtie with conſent of her Commiſsioners of Thesaury and Exchequr for the time to James Earl of Mortoun and the heirs male lawfully to be procreat of his body Which failzieing his heirs male whatsoever Which failzieing his heirs and aſsigneyes whatsoever heretably and irredeemably Of all and sundry the Lands Lordſhips Baronies Regalities annualrents teinds patronages Earldom and others underwritten viz. the Lands Lordship and Barony of Aberdour with caſtle tower fortalice mannor place mills fiſhings touns woods parks yeards orchyeards dovecoats cunninghars outsets

parts pendicles and pertinents tenents tenandries and service of free tenents advocations donations and rights of patronage of the kirks and chaplanries thereof and all their pertinents with the Burgh of Barony and Regality of Aberdour with the port and harbour of the same and full right priviledge and liberty of repairing the said harbour of Aberdour or of building makeing and erecting a free sea port and harbour for ships in any other part of the said Barony of Aberdour as the said James Earl of Mortoun ſhall think fit and all other bulwarks and other works neceſsary thereto with full pouer and priviledge to them of makeing creating and appointing Baillies Burgeſses Clerks Officers Serjands and other neceſsary officers within the said Burgh of Aberdour for the government thereof and of choiseing changeing and renewing the said Baillies Clerks and other Officers yearly as they shall think fit And with power to the said Burgeſses of the foresaid Burgh of Aberdour in all time comeing to buy and sell wax wine lint wool broad and narrow cloath and all other merchandice and staple goods without any obſtacle diſturbance moleſtation or impediment whatsoever, and alſo of haveing admitting and receiveing within the samen Burgh of Aberdour baxters maltsters fiſhers fleſhers ſouters tailzeors weavers barbers ſmiths and all other neceſsary artists pertaining to the liberty of a free Burgh of Barony and Regality and of building haveing and keeping within the said Burgh a tolbuith a mercat croſs a mercat weekly upon Friday with two free fairs yearly one upon the twenty fourth day of January to be called the First fair and the other upon the twenty ſeventh day of September to be called the Latter fair with pouer of keeping the said weekly mercat and the said two free fairs yearly for the space of three dayes and of collecting uplifting and intromctting with the cuſtomes and other duties of the ſaid mercat and fairs for the proper use of the said James Earl of Mortoun and his foresaids And alſo with special and full power of receiveing resignations of all lands tenements annualrents and others within the said Burgh of Aberdour and of disponing the same with all Infeftments Charters Seasines and other evidents neceſsar to any person or persons in whose favors the said resignations shall be made, of affixing fenceing keeping and continueing as oft as need bees Baron Courts and Regality Courts within the said Burgh of Aberdour and liberty thereof and of creating Clerks Serjands and other neceſsary members of Court, of fineing the absents, puniſhing the transgreſsors conform to the Laws of this Kingdom of Scotland and of creaving uplifting receiveing and applying to their own use the fines and amerciaments of the ſaid Courts and of doing thereanent as freely as is granted to any other Burgh of Barony and Regality within the ſaid Kingdom and of uplifting all and ſundry the ſmall cuſtomes anchorages dock, silver and groundleave and all other duties and emoluments of the ſaid port and harbour of Aberdour and of applying the same to their own uſe or otherwayes diſpoſeing thereupon at their pleaſure as freely as the same are uplifted by any others of her Majeſties vaſsalls heretable proprietars of any other free port or harbour within the said Kingdom of Scotland With full power also of loading and unloading at the said sea port and harbour the haill ships boats and bargs comeing thither or going from thence and of enjoying useing and exerceing all other priviledges liberties and immunities and uplifting all other duties and casualities of the said ſea port and harbour in the same manner and as freely in all respects as any other heretable proprietars of any other free sea ports within this Kingdom in all time bypast have done or in any time to come may lawfully do all lying within the Lordship and Regality of Aberdour and Sheriffdom of Fyfe The Lands Earldom and Barony of Mortoun with tour fortalice mannor place yeards orchyeards mills woods fishings tenents tenandries and ſervice of free tenents with the advocation and donation of the kirks thereof annexis connexis of the said Earldom and Barony and specially with full right of presenting four poor ſcholars called bursars in the Colledge of Glasgow to the Principals Regents and Maſters thereof conform to the tenor of the foundation and mortification granted thereupon with all their pendicles and pertinents The Lands of Bonningtoun The Lands of Barns The Lands of Kincavill The Lands of Drumcroce The Lands of Gallowhill The Lands of Williamcraigs with all their pertinents lying within the sheriffdom of Linlithgow An annualrent of four pounds Sterling money yearly to be uplifted and taken furth of the lands of Neubie with the pertinents lying within the sheriffdom of Peebles The Lands and Barony of Edmonſtoun with mannor place fortalice mills fiſhings outsetts yeards orchyeards parts pendicles tenents tenandries service of free tenents with advocation and donation of the kirks and chaplanries of the same and all their pertinents lying within the barony of Biggar and sheriffdom of Lanerk The Lands and Barony of Borge The Lands and Barony of Buthill with caſtles mannour places mills fishings yeards orchyeards woods parts pendicles annexis connexis tenents tenandries service of free tenents with the advocation and donation of the Kirks & Chaplanries of the said Lands and Baronies and all their pertinents lying within the sheriffdom of Kirkcudbright Which Charter proceeds on the several appriseings resignations and other conveyances therein mentioned and contains a new Gift or Diſpoſition of the haill Lands and others therein and above specified with all right and title which her Maty predeceſsors or ſucceſsors had has or any wayes may have claim or pretend thereto or to any part thereof or to the rents and duties of the same bygone and to come

in favors of the ſaid James Earl of Mortoun and his foresaids and a new Erection of the foresaid haill Lands Lordſhips Baronies and others above-written in ane haill and free Earldom to be called The Earldom of Mortoun ordaining the Caſtle of Aberdour to be the principal meſsuage thereof and one Seaſine to be taken thereat or on any part of the said Barony of Aberdour by delivery of earth and stone to be sufficient for the haill To be holden of her Majesty in free Blench for payment yearly of an penny Scots money in name of blench ferm if required at the principal meſsuage or mannour place of Aberdour as is fully expreſsed in the said Charter Whereby also the rights of the two ſeveral annualrents therein mentioned furth of the said Lands and Barony of Aberdour and the conveyances thereof in favors of the said James Earl of Mortoun are confirmed And her Majesty with advice and consent of the said Eſtates of Parliament Ratifies Approves and Confirms the precept of Seasine contained in the said Charter and Instrument of Seasine following or competent to follow thereupon in all and sundry heads articles and clauſes thereof And her Majestie with consent foresaid Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foresaid Charter and Seasine hereby confirmed are and ſhall be conform to the tenors of the same good valid and sufficient rights to the said James Earl of Mortoun and his foresaids for poſseſsing and enjoying in time comeing without stopt or impediment the foresaid Lands Lordſhips Baronies Regality Earldom and others foresaid And Declares that the ſame ſhall never be quarrelled or revocked by her Majeſty or her ſucceſsors in time comeing and that this present Ratification is and shall be as sufficient to all intents as if every word of the foreſaid Charter and Seasine were inſert herein with the nôt inſerting whereof and with all other defects and imperfections of the said Charter and Seasine and of this present Ratification of the ſame and with all objections that can be proponed againſt the same Her Maty with conſent foresaid dispenſed and hereby dispenſes for ever.

RATIFICATION in favors of Sir William Maxwell of Monreith of the Lands & Baronies of Monreith Aplebie &c.

17 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms ane Charter under her Majeſties great Seal of the date at Saint James's the thirtieth day of November I^m^ vij^c^ and three years granted by her Majeſty with consent of the Lords and others Commiſsioners of her Thesaury and Exchequr for the time and proceeding upon the several resignations decreet of sale and other conveyances therein mentioned to and in favors of Sir William Maxwell of Monreith Knight and Baronet and his heirs male and of tailzie and other heirs and aſsigneyes therein specified with and under the proviſions conditions reſtrictions limitations and irritances therein expreſsed heretably and irredeemably Of all and haill the Lands and Barony of Monreith the Lands Barony and Tenandry of Aplebie The Lands and Barony of Myretoun The Barony of Mochrumloch The Lands and Barony of Longcaſtle Fourty merk lands of the Barony of Ardwell and Killaſter, and the ſaid Barony of Killaſter comprehending therein respective the ſeveral lands mills caſtles touers mannour places houſes biggings yeards orchyeards lochs fiſhings teinds rights of patronage and others therein mentioned and of the five pound Land of Gairngairy and several other Lands therein expreſsed Which Charter contains a confirmation of several rights and infeftments of the foresaid Lands and others therein mentioned With a new Gift and Disposition thereof and an Union of the said haill Lands Baronies and others therein specified extending to a Three hundred and thirty four merk land of old extent With all and ſundry their houſes biggings yeards orchyeards tofts crofts annexis connexis woods lochs fiſhings parts pendicles and all their pertinents all lying within the sheriffdom of Wigtoun in an haill and free Barony and Forreſtrie to be called in all time comeing the said three hundred and thirty four merk Land of old extent and Barony and Forreſtry of Monreith, Ordaining the mannor place of Monreith to be the principal meſsuage of the said Barony and Giveing to the said Sir William and his foresaids all the liberties priviledges emoluments jurisdictions and casualities belonging to a free Barony and Forrestry Ordaining also one Seasine to be taken at the said mannour place of Monreith by deliverance of earth and ſtone without the neceſsity of any other symboll to be sufficient for the haill lands mills woods fiſhings patronadges office of forreſtrie and others particularly mentioned in the said Charter and erected as ſaid is in the ſaid Barony of Monreith To be holden of her Majeſty for her self and as come in place of the Biſhops respective and of her Royall ſucceſsors for pay^t^ of the few duties of victual and capons or prices thereof mentioned in the said Charter and of the other few blench and taxt ward duties specified therein Whereby alſo the duties of ward nonentry relief and marriage payable for several of the said Lands and others are Taxed to the ſeveral ſums therein expreſsed and it is Declared lawful to the heirs male, of line, aſsigneyes ſucceſsors and others foresaid of the ſaid Sir William to obtain themſelves infeft and ſeaſed in the Lands teinds fiſhings and others mentioned in the ſaid Charter notwithstanding of their minorities And ſicklike the several few charters therein specified granted to the said Sir William and his foresaids and to his authors by Sir James Dunbar of

Mochrum of the Lands of Arrialand Chang Glentriploch and Barochane lying in the said sherifdom with the conveyances and the ſeveral adjudications and appriſeings thereof are confirmed in manner fully expreſsed in the foresaid Charter Together with the precept of Seasine therein contained and inſtrument of Seasine following thereon in all and sundry heads articles clauſes proviſions and contents of the same with all that has followed or may follow thereupon And her Majesty with consent of the said Estates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains That the foresaid Charter and Infeftment thereon shall be good valid and sufficient rights conform to the tenors of the same to the ſaid Sir William Maxwell and his heirs male and of tailzie and other heirs and aſsigneyes therein specified for poſseſsing and enjoying of the said haill lands mills woods fiſhings teinds patronage office of forreſtry and others therein expreſsed united as said is without stop or impediment and that the same shall never be quarrelled by her Majeſty or her ſucceſsors And also that this present general Ratification is and shall be as effectual and sufficient to the said Sir William Maxwell and his foresaids as if the said Charter with the inſtrument of Seaſine following thereon were word by word insert herein with the not inserting whereof and with all other objections that may be proponed againſt the validity of this preſent Ratification or rights hereby ratified Her Maty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Sir Alexander Ogilvie of Forglen of the Toun & Lands of Todlaw

18 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of the date at Saint James's the twenty firſt day of December Imo vijc and two years Granted by her Majeſty with consent of her Commiſsioners of Thesaury and Excheqr for the time proceeding on the resignation of Mr Thomas Thomſon of Auchquittrie to and in favors of Sir Alexander Ogilvie of Forglen as haveing right to the said Mr Thomas his procuratory of reſignation in manner therein mentioned and to his heirs and aſsigneyes whatsoever heretably and irredeemably Of all and haill the Toun and Lands of Todlaw with houſes biggings yeards tofts crofts outsets insets annexis connexis parts pendicles and haill pertinents whatſoever thereof With the ſalmond fiſhing in the water of Doveran lying within the parochine of Forglen and sherifdom of Bamf Which Lands and others foresaid with all right and title her Majeſtie had or might pretend thereto are by the said Charter of new given and disponed to the ſaid Sir Alexander Ogilvie and his forsaids in manner fully expreſsed therein Whereby alſo all the writs rights and ſecurities of the samen Lands and others abovementioned conceived in favors of the ſaid Sir Alexander his authors and predeceſsors are ratified & confirmed and the foreſaid Lands fiſhing and others abovewritten are Disjoined from all other Baronies to which they were formerly united and of new incorporated and united to the Lands and Barony of Forglen to remain inseperably therewith as a proper part and pertinent of the same with all jurisdictions priviledges and immunities belonging thereto as fully as if they had been at the beginning annexed with the same and one Seasine to be taken at the mannour place of Forglen as the principal meſsuage of the said Barony or upon any part of the ground of the said Lands is ordained to be a ſufficient Seasine for the said lands fiſhings and others abovespecified To be holden of her Majesty and her ſucceſsors in manner expreſsed by the said Charter By which the haill waird and nonentry duties of the Lands and others foresaid and the relief thereof and marriage of the heirs of the said Sir Alexander Ogilvie and his foresaids as oft as the same respective ſhall fall with all the profites and emoluments thereof are given and disponed to him and his foresaids For payment yearly at two terms Whitsunday & Martinmaſs by equal portions dureing the haill space of the ward and nonentry or either of them the sum of thirty pounds Scots money as much for the relief and of the sum of Sixty pounds money foresaid for the marriage of the said heirs as oft and whensoever the samen respective shall fall To which sums abovewritten the said ward nonentry relief and marriage so oft as the samen ſhall fall are Taxed by the said Charter Whereby alſo the heirs of the said Sir Alexander and his foresaids are allowed to be served retoured infeft and seased in the said Lands and others abovementioned notwithstanding of their minority as the said Charter fully bears Together with the precept of Seasine therein contained and inſtrument of Seaſine following thereon in all and sundry heads articles and clauſes thereof And her Majeſtie with consent of the said Estates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains that the foresaid Charter with the infeftment thereon ſhall be good valid and sufficient rights conform to the tenors of the same to the said Sir Alexander Ogilvie and his foresaids for poſseſsing and enjoying the lands fiſhing and others abovewritten without ſtop or impediment in so far as concerns the intereſt of her Majeſtie and Declares that the same shall never be quarrelled by her Majeſty or her said ſucceſsors And also that this preſent Ratification is and shall be as effectual and ſufficient to all intents as if the said Charter and Seasine were word by word insert herein with the not inserting whereof and with all other objec-

tions that may be proponed ag^{t} the validity of this Ratification or rights hereby ratified Her Majeſty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Mr James Nasmith of Dawick of the Lands & Barony of Dawick

19 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Bath the ſeventeenth day of September I^{m} vij^{c} and three years granted by her Majeſtie with consent of her Commiſsioners of Thesaury and Exchequer for the time Proceeding on the several resignations and conveyances of the same mentioned therein to and in favors of Mr James Nasmith of Dawick Advocat and the heirs male lawfully to be procreat of his body Which failzieing to the heirs female lawfully procreat or to be procreat of his body Which failzieing to his other heirs of tailzie therein mentioned and failzieing of them to his neareſt heirs and aſsigneyes whatsoever the eldest heir female succeeding alwayes without division heretably and irredeemably and with and under the provisions and reſtrictions therein ſet down to which the said heirs of tailzie shall be oblidged in manner therein mentioned Of all and haill the Lands and Barony of Dawick comprehending the Lands of Easter and Wester Dawicks the lands of Lour Maines of Dawick with mill and mill lands thereof yeards parks houſes and pertinents of the same with the right of patronage of the paroch Kirk of Dawick and haill superiorities of the said Barony with the teinds parsonage and viccarage of the ſaid kirk and parochine kirklands of the same and fourty eight ſums of beaſts lying in the parochine of Dawick and ſherifdom of Peebles And of all and haill the Lands of Cruickstoun lying in the parochine and ſherifdom of Peebles And all and haill the Lands of Wrae with all and ſundry houſes biggings tofts crofts moſses muirs meadows pasturages parts pendicles and pertinents thereof whatsoever lying in the parochine of Manner and ſherifdom of Peebles foresaid And of the fourty shilling land called Weſter Smelhope with houſes biggings parts pendicles and pertinents of the same lying within the parochine of Glenwholme and ſherifdom of Peebles And all and haill that part and portion of the Lands of Smelhope and a soume of beaſts upon the said Lands sometime poſſeſsed by William Grieve Miller at the mill of Urrisland And of all and haill that part and portion of land called Urriſland with the mill thereof mill lands multures sequells and pertinents of the same whatsoever with the multurs of the Lands of Stenhope And of the Lands called the fourth part of Rauchin with all and ſundry houses biggings yeards parts pendicles and pertinents of the same lying in the parochine and ſherifdom foresaid with the liberty of paſturage in the commonty of Whomhope and other liberties used and wont with neceſsary feual upon the Lands of Smelhope to the tenents of the said Lands of Urriſlands and mill of the same according to the usual cuſtome Which haill Lands and others foresaid with all right and title that her Majeſty her predeceſsors or ſucceſsors had or could pretend thereto or to any part thereof or to the maills and duties of the same are by the foresaid Charter of new Disponed to the said Mr James Nasmith and his foresaids in manner fully expreſsed therein Whereby alſo the samen haill Lands and others abovementioned are united and erected in ane haill and free Barony to be called in all time comeing the Barony of Dawick and one Seasine to be taken at the mannour place of Dawick which is thereby appointed to be the principal meſsuage of the said Barony or upon the ground of any part of the ſaid Lands and Barony is ordained to be sufficient for all the foresaid Lands mills teinds patronage ſuperiorities and others abovespecified with the pertinents united as said is To be holden of her Majeſty and her royal ſucceſsors for payment of the blench few and taxt ward duties particularly mentioned in the said Charter By which alſo the duties of ward nonentry relief and marriage due and payable for the ſaid Lands and old Barony of Dawick comprehending the lands Barony and others particularly abovespecified and for the said Lands of Cruikſtoun and Wrae are Taxed to the ſeveral ſums therein expreſsed For payment whereof the same are Disponed to the said Mr James his heirs male ſucceſsors and aſsigneys foresaid in manner mentioned in the said charter And likewayes the heirs male and of tailzie ſucceſsors and aſsigneyes foresaid of the said Mr James Nasmith are allowed notwithstanding of their minority to be served retoured infeft and seaſed in the said Lands and Barony And further the Contract of marriage betwixt the said Mr James and Miſtreſs Barbara Pringle eldeſt lawfull daughter of Andrew Pringle of Cliftoun with consent of her father on the one and other parts of the date the fifeteenth day of June I^{m} vij^{c} and two years Together with the precept of Seasine therein contained and inſtrument of Seaſine following thereupon in favors of the said Miſtreſs Barbara are approven and confirmed in manner fully expreſsed in the Charter abovementioned The precept of Seasine contained in which Charter and inſtrument of Seasine thereon Her Majeſty with advice and consent of the said Eſtates of Parliament does alſo Ratifie Approve and perpetually Confirm in all and sundry heads articles and clauſes of the said Charter Precept and Seasine And Wills and Grants and for her Majeſty and her Royal ſucceſsors Statutes and Ordains that the foresaid Charter and

Infeftment thereon shall be good valid and sufficient rights conform to the tenors of the same to the ſaid Mr James Nasmith and his foresaids for poſſeſsing and enjoying the Lands mills teinds patronages superiorities and others abovementioned with the pertinents united in one Barony in manner abovewritten without any stopt or impediment in so far as concerns the intereſt of her Majeſtie or her succeſsors and Declares that the same ſhall never be quarrelled by her Majesty or her ſaid ſucceſsors and also that this present Ratification is and shall be as effectuall and ſufficient to all intents and purposes as if the said Charter and Seasine thereon were word by word insert hereintill with the not inserting whereof and with all other objections that may be proponed againſt the validity of this Ratification or of the rights hereby ratified Her Majeſtie with consent foresaid dispensed and hereby dispenses for ever.

ACT in favors of George Duke of Gordon for two yearly fairs at the toun of Huntley

20 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and alſo to increase trade and commerce in the nation and that it is very fit for these ends to authorize two yearly fairs upon the dayes following at the Toun of Huntley lying in the ſhire of [Aberdeen] and belonging to George Duke of Gordon Do Therefore by thir preſents Appoint Two fairs to be keeped yearly in all time comeing at the said Toun of Huntley One thereof upon the third Tueſday of Auguſt and the other upon the first Tuesday of October and each of them to continue four dayes and have Given and Granted and hereby Give and Grant to the said Duke his heirs and succeſsors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof with all other liberties priviledges and advantadges uſed and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Charles Earl of Erroll for two yearly fairs at the toun of Turrif.

21 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs upon the dayes following at the Toun of Turrif in the paroch of Turrif and sherifdom of Aberdeen and Regality of Slains belonging to Charles Earl of Erroll Do Therefore by thir presents appoint two fairs to be keeped yearly in all time comeing at the said Toun of Turrif One thereof upon the laſt Tuesday of March to be called Saint Anns fair And the other upon the first Tuesday of December to be called Saint John's fair and each to continue four dayes And have Given and Granted and hereby Give and Grant to the said Earl his heirs and succeſsors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of John Earl of Wigtoun for a weekly mercat & four yearly fairs at the Kirk of Denny & two yearly fairs at the Newtoun of Cumbernald

OUR SOVEREIGN LADY and Estates of 22
Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat and four yearly fairs upon the dayes following at the Kirk of Denny belonging to John Earl of Wigtoun and lying within the shire of Stirling and two yearly fairs on the dayes following at the Newtoun of Cumbernald lying in the said shire and belonging to the said Earl Do Therefore by thir presents Appoint a weekly mercat to be keeped in all time comeing at the said Kirk of Denny upon every Wednesday and four fairs to be holden at the same place yearly in all time comeing One thereof upon the laſt Wedneſday of April Another upon the twenty second of June Another upon the fourth of Auguſt And the other upon the fifth of November and also Appoint two fairs to be kept yearly in all time comeing at the said Newtoun of Cumbernald One thereof upon the first Friday of February And the other on the twenty ninth day of October And have Given and Granted and hereby Give & Grant to the said Earl his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat and yearly fairs at the ſaid respective places for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir John Johnstoun of Caſkiebend for three yearly fairs at the hill of Tyrebagger

23 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majesties other Leidges dwelling near thereto and also to increase trade and commerce in the Nation and that it is very fit for these ends to authorize three yearly fairs upon the dayes following at and upon the weſt end of the foot of the hill of Tyrebagger which is a part of the lands and Barony of Caſkiebend lying in the ſhire of Aberdeen and belonging to Sir John Johnstoun of Caſkiebend Do therefore by thir presents Appoint three fairs to be kept yearly in all time comeing at and upon the ſaid weſt end of the foresaid foot of the hill of Tyrebaggar One thereof upon the Tuesday immediatly preceeding Esther to be called Paſch fair Another upon the first Tuesday of July to be called Martin Bülgeon fair And the other upon the third Thursday of August to be called Tyrebaggar fair And have Given and Granted and hereby Give and Grant to the said Sir John Johnstoun his heirs and ſucceſsors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Robert Dickſon of Inuereſk for a weekly mercat and two yearly fairs at the toun of Inveresk

24 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat to be kept on Tuesday at the Toun of Inueresk lying in the ſhire of Edinburgh belonging to Sir Robert Dickson of Inuereſk and two yearly fairs to be holden upon the dayes following at the said Toun Do therefore by thir presents Appoint a mercat to be kept weekly on Tuesday in all time comeing at the said Toun of Inueresk And also two fairs to be holden yearly thereat One thereof to begin upon the second Tuesday of July And the other upon the first Wednesday of October and each of them to continue from the respective dayes of their beginning to the Saturday of that week And have Given and Granted and hereby Give and Grant to the said Sir Robert Dickſon his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat and yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Alexander Anſtruther of Newwark for a weekly mercat and two yearly fairs within the burgh of barony of Saint Mineans & Newwark

OUR SOVEREIGN LADY and Estates of 25
Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat to be kept every Tueſday in all time comeing within the Burgh of Barony of Saint Mineans and Newwark in the ſhire of [Fife] and belonging to Sir Alexander Anſtruther of Newwark and that in place of the weekly mercat formerly appointed to be holden there on Friday And two fairs to be kept within the said Burgh on the dayes following Do therefore by thir presents Appoint a weekly mercat to be kept every Tuesday in all time comeing within the ſaid Burgh of Barony in place of the said former weekly mercat And also two fairs to be kept within the said Burgh yearly in all time comeing One upon the ſecond Tuesday of July And the other on the ſecond Tuesday of September. And have Given and Granted and hereby Give and Grant to the said Sir Alexander Anſtruther his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat and yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of John Napeir of Culcreoch for a weekly mercat and two yearly fairs at the Clachan of Fintry

OUR SOVEREIGN LADY and the Eſtates of 26
Parliament do by thir preſents Appoint and Ordain a weekly mercat to be kept upon each Wednesday in all time comeing at the Clachan of Fintry in the ſhire of Stirling and belonging to John Napeir of Culcreoch and two fairs to be holden there yearly in all time comeing One upon the laſt Thursday of June And the other upon

the ſecond Thursday of December And do hereby Give and Grant to the ſaid John Napeir his heirs and ſucceſsors the right and priviledge of keeping the ſaid weekly mercat and yearly fairs for all kinds of merchandice, with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT changeing a weekly mercat and two yearly fairs in favors of the Burgh of Anſtruther Weſter

27 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament does by thir preſents Appoint and Ordain a mercat to be kept weekly upon Thursday and two fairs to be holden yearly One upon the first Tueſday of July And the other upon the ſecond Tueſday of October in all time comeing at the Burgh of Anſtruther Weſter and that in place of the weekly mercat formerly appointed to be holden there on Sabath and of the yearly fairs One in March and the other in December formerly kept at the said Burgh And does hereby Give and Grant to the Magiſtrats and Council of the foresaid Burgh and their ſucceſsors in office for the behoove of the Community thereof the right and priviledge of keeping the said weekly mercat and yearly fairs on the said respective dayes for all kinds of merchandice in place of the said other mercat and fairs formerly held at the said Burgh in manner abovementioned with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of the Marqueſs of Tweeddale and the Counteſs and heirs and Donators of Dumfermling for a weekly mercat & two yearly fairs at the kirktoun of Fyvie

28 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto And that it is very fit for these ends to authorize a weekly mercat and two yearly fairs on the dayes following at the Kirktoun of Fyvie in the ſhire of Aberdeen and at that part thereof which belongs to the Maines of Fyvie whereof two third parts pertain to John Marqueſs of Tweeddale and the other third part to Jean Counteſs of Dumfermling in liferent and to the heirs and donators of Dumfermling in fie Do therefor by thir presents Appoint a mercat to be kept weekly upon Thursday and two fairs yearly One thereof to begin upon the ſecond Tueſday of October to be called Saint John's fair And the other to begin on the ſecond Tueſday of Auguſt to be called Saint Peter's fair and each of them to continue three dayes in all time comeing at the said Kirktoun of Fyvie and at that part thereof which belongs to the said Maines of Fyvie And have Given and Granted and hereby Give and Grant to the said John Marqueſs of Tweeddale his heirs and ſucceſsors and to the said Counteſs and heirs and donators of Dumfermling in liferent and fie respective the right and priviledge of keeping the said weekly mercat and yearly fairs for all kinds of merchandice And hereby Give and Grant to the said Marqueſs and his foresaids two third parts and to the ſaid Counteſs in liferent and to the foresaid heirs and donators of Dumfermling in fie the other third part of all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Robert Craig of Riccartoun for a weekly mercat and two yearly fairs at the Toun of Currie

29 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints a mercat to be kept weekly on Friday and two fairs yearly One upon the last Tuesday of March And the other on the laſt Tuesday of September in all time comeing to be holden at the Toun of Currie in the Barony of Riccartoun and Shire of Edinburgh and belonging to Robert Craig of Riccartoun And does by thir presents Give and Grant to the said Robert Craig his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat and yearly fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT for two yearly fairs in favors of the Burgh of Stirling.

30 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints two fairs One upon the first Tuesday of December And the other on the laſt Tuesday of January to be holden yearly in all time comeing at and within the Burgh of Stirling and Gives and Grants to the Magiſtrats and Council of the said Burgh and their ſucceſsors in office for the behoove of the Community of the same the

right and priviledge of keeping the said fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Robert Lord Rollo for a yearly fair at the toun of Doning

31 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints a new fair to be holden yearly in all time comeing upon the twenty ninth day of July at the Toun of Doning in the shire of [Perth] and belonging to Robert Lord Rollo and Gives and Grants to him his heirs and ſucceſsors the right and priviledge of keeping the said fair yearly for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all the other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of John Drummond of Pitkellony for three yearly fairs and a weekly mercat at the kirktoun of Muthill

32 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints Three fairs to be kept yearly in all time comeing One thereof to begin on the laſt Tuesday of July another to begin on the eighteenth day of October And the other to begin on the fourteenth day of April and each of them to continue two dayes and a weekly mercat on Tuesday in all time comeing at the Kirktoun of Muthill in the Steuartry of Strathern and Shire of Perth and belonging to John Drummond of Pitkellony And Gives and Grants to the said John Drummond his heirs and ſucceſsors the right and priviledge of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Alexander Forbes of Ludquhairn for a weekly mercat at the Toun of Ludquhairn

33 OUR SOVEREIGN LADY and Eſtates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat on the day following at the Toun of Ludquhairn in the shire of Aberdeen belonging to Alexander Forbes of Ludquhairn Do therefore by thir presents Appoint a mercat to be kept weekly on Thursday in all time comeing at the Toun of Ludquhairn abovementioned And have Given and Granted and hereby Give and Grant to the ſaid Alexander Forbes his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties and advantages used and wont to belong to any haveing the priviledge of keeping weekly mercats within this Kingdom.

ACT changeing a weekly mercat at the Toun of Kincardine Oneill in favors of Sir Robert Forbes Advocat.

OUR SOVEREIGN LADY and Eſtates of Par- 34
liament considering that the changeing and altering to Wednesday a weekly mercat formerly appointed to be holden on Friday at the Toun of Kincardine Oneill in the shire of Aberdeen belonging to Sir Robert Forbes Advocat will tend much to the good and advantage of the Inhabitants thereof and to the eaſe and benefite of her Majeſties other Leidges dwelling near thereto Do therefore at deſire of the said Sir Robert Forbes by thir preſents Appoint a weekly mercat on Wednesday in all time comeing to be keept at the said Toun of Kincardine Oneill And that in place of the said mercat formerly holden there every Friday And have Given and Granted and hereby Give and Grant to the said Sir Robert Forbes his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat on the foresaid day for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of John Murray of Touchaddam for two yearly fairs upon the lands & barony of Balquidrock

OUR SOVEREIGN LADY and Estates of Par- 35
liament considering that fairs and mercats in convenient places tend much to the good & advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following upon the Lands and Barony of Balquidrock in the shire of Stirling and belonging to John Murray of Touchaddam Do therefore by thir preſents Appoint two fairs yearly

One upon the first Tuesday of July And the other on the ſecond Thurſday of November to be kept in all time comeing upon the ſaid Lands and Barony of Balquidrock And have Given and Granted and hereby Give and Grant to the ſaid John Murray his heirs and ſucceſsors the right and priviledge of keeping the ſaid yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantage uſed and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

Protestation for the Burgh of Stirling against the said Act

THERE was a Proteſtation againſt the ſaid fair of Balquidrock granted to the Laird of Touchaddam, taken by the Commiſsioner afternamed for the Burgh of Stirling who gave in the ſame in writeing of the tenor following I Colonell John Erskine Lieutenent Governour of the Caſtle of Stirling Commiſsioner to the Parliament for the Burgh of Stirling do in name of the ſaid Burgh Proteſt againſt the fairs craved by John Murray of Touchaddam to be keeped within the Barony of Balquidrock belonging to him lying within two miles of the ſaid Burgh of Stirling in reſpect the ſaid Burgh has an Charter from King Charles the Second bearing that his Majeſty nor his ſucceſsors ſhould not erect a Burgh of Barony or Regality nor grant a priviledge of weekly mercats or yearly fairs within two miles of the ſaid Burgh And upon the ſaid Charter the ſaid Toun has a decreet of declarator And thereupon I aſk and take Inſtruments (that the ſaid Burgh may not be prejudged of their rights and priviledges) in the hands of Sir James Murray of Philiphaugh one of the Senatours of the Colledge of Juſtice and Lord Clerk Regiſter In witneſs whereof I have written and ſubſcribed thir preſents At Edinburgh the fourteenth of September one thouſand ſeven hundred and five years, Sic ſubſcribitur Jo: Erskine, And thereupon took Inſtruments.

ACT in favors of John Earl of Stair for two yearly fairs at the Burgh of Barony of Glenluce

36 OUR SOVEREIGN LADY and Eſtates of Parliament conſidering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs on the dayes following to be kept at the Burgh of Barony of Glenluce in the ſhire of Wigtoun and belonging to John Earl of Stair Do therefore by thir preſents Appoint two new fairs to be kept and holden yearly in all time comeing One upon the third Tuesday of Auguſt and the other on the ſecond Tuesday of October at the ſaid Burgh of Barony of Glenluce without prejudice of the other fairs formerly appointed to be kept at the ſaid Burgh, And have Given and Granted and hereby Give and Grant to the ſaid Earl his heirs and ſucceſsors the right and priviledge of keeping the ſaid two new yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages uſed and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom And also have Allowed and hereby Allow and Impower the ſaid Earl and his foreſaids to Change the place of execution and gibbet from the Abbay of Glenluce and to Erect & Continue the ſame near the Tolbuith of the ſaid Burgh.

ACT in favors of Sir Alexander Meinzies of that Ilk for three yearly fairs at the Kirktoun of Weem & Toun of Dull

OUR SOVEREIGN LADY and Eſtates of Par- 37
liament conſidering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following at the Kirktoun of Weem in the ſhire of Perth belonging to Sir Alexander Meinzies of that Ilk and another fair yearly on the following day at the Toun of Dull in the ſaid ſhire and belonging to the ſaid Sir Alexander Do therefore by thir preſents Appoint Two fairs to be kept yearly in all time comeing One upon the third Tuesday of January And the other upon the ſecond Tuesday of October at the ſaid Kirktoun of Weem And another fair to be holden yearly in all time comeing upon the laſt Tuesday of May at the ſaid Toun of Dull, And have Given and Granted and hereby Give and Grant to the ſaid Sir Alexander Meinzies his heirs and ſucceſsors the right and priviledge of keeping the ſaid yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges uſed and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Alexander Murray of Melgum for two yearly fairs at the Croſstoun of Aberlemno

OUR SOVEREIGN LADY and Eſtates of 38
Parliament conſidering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that is very fit for these ends to authorize two

fairs yearly on the dayes following at the Croſs-toun of Aberlemno in the shire of Forfar and belonging to Sir Alexander Murray of Melgum Do therefore by thir presents Appoint two fairs to be kept yearly in all time comeing One upon the first Tuesday of April And the other on the first Tuesday of September at the said Croſstoun of Aberlemno And have Given and Granted and hereby Give and Grant to the said Sir Alexander Murray his heirs and succeſsors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Mrs Griſsell Kinninmonth of that Ilk & Sir Alexr Murray of Melgum her huſband for two yearly fairs at the toun of Lochgellie

39 OUR SOVEREIGN LADY and the Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following at the toun of Lochgelly in the shire of Fyfe and belonging to Miſtreſs Griſsell Kinninmonth of that Ilk Do therefore by thir presents Appoint Two fairs One on the third Tuesday of May And the other upon the third Tuesday of September to be kept yearly in all time comeing at the said Toun of Lochgellie And have Given and Granted and hereby Give and Grant to the said Miſtreſs Kinninmonth her heirs and ſucceſsors and to Sir Alexander Murray of Melgum her huſband for his intereſt the right and priviledge of keeping the said fairs yearly for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Patrick Campbell of Monzie for two yearly fairs and a weekly mercat upon the common green of Monzie

40 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs and a weekly mercat on the dayes following to be kept upon the common green of Monzie in the ſhire of [Perth] and belonging to Patrick Campbell of Monzie Do therefore by thir presents Appoint two fairs yearly to be kept in all time comeing One thereof to begin upon the first Tuesday of April to be called
And the other to begin on the thirteenth day of October to be called and each of them to continue two dayes and a weekly mercat to be holden in all time comeing on every Tuesday upon the said Common Green of Monzie And have Given and Granted and hereby Give and Grant to the ſaid Patrick Campbell his heirs and ſucceſsors the right and priviledge of keeping the said two yearly fairs and weekly mercat for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir James Campbell of Auchinbreck for four yearly fairs and a weekly mercat at the toun of Kilmichael in Glaſsrie

41 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize four yearly fairs and a weekly mercat on the dayes following at the Toun of Kilmichaell in Glaſsrie lying in the ſhire of Argyll and belonging to Sir James Campbell of Auchinbreck Do therefore by thir presents Appoint four fairs to be kept yearly in all time comeing One thereof to begin on the fifeteenth day of May, Another on the twenty ſecond of July Another on Michaelmaſs day And the other to begin on the twentieth day of October and each of them to continue two dayes And a weekly mercat to be kept in all time comeing every Tuesday at the said Toun of Kilmichael in Glaſsrie And have Given and Granted and hereby Give and Grant to the said Sir James Campbell his heirs and ſucceſsors the right and priviledge of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls cuſtomes and casualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Archbald Mackaleſter of Tarbet for four yearly fairs and a weekly mercat at the Toun of East Tarbet

42 OUR SOVEREIGN LADY and Eſtates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto, and that it is very fit for these ends to authorize four yearly fairs and a weekly mercat on the dayes following at the Toun of Eaſt Tarbet in the ſhire of Argyll belonging to Archbald Mackaleſter of Tarbet Do therefore by thir preſents Appoint four fairs to be kept and holden yearly in all time comeing One thereof to begin upon the tenth day of May Another to begin on the sixteenth day of July Another to begin upon the nineteenth day of Auguſt And the other to begin upon the sixteenth day of October and each of them to continue two dayes And a weekly mercat to be holden in all time comeing every Tuesday at the said Toun of East Tarbet And have Given and Granted and hereby Give and Grant to the said Archbald Mackaleſter his heirs and ſucceſsors the right and priviledge of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and immunities and advantages used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Alexander Livingston of Badlormie for a weekly mercat and four yearly fairs at the East Craigs of Ogilface

43 OUR SOVEREIGN LADY and Eſtates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat and four yearly fairs on the dayes following at the Eaſt Craigs of Ogilface lying within the paroch of Torphichen and ſhire of Linlithgow and belonging to Alexander Livingstoun of Badlormie Do therefore by thir preſents Appoint a mercat to be keept and holden weekly on Tuesday and four fairs yearly in all time comeing to be kept One upon the twelvth day of February Another on the eleventh day of June Another on the twenty second day of August And the other on the second day of November at the said East Craigs of Ogilface And have Given and Granted and hereby Give and Grant to the said Alexander Livingstoun his heirs and ſucceſsors the right and priviledge of keeping the said weekly mercat and yearly fairs with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Samuel Forbes of Foveran for two yearly fairs upon the lands of Swanfoord

OUR SOVEREIGN LADY and Estates of 44
Parliament considering that fairs and mercats in convenient places tend much to the good and advantadge of the Inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following upon the Lands of Swanford within the Lands of Greens in the parochine of Monquhetter and ſhire of Aberdeen belonging to Sir Samuel Forbes of Foveran Do therefore by thir presents Appoint two fairs One upon the first day of July to be called Saint Margaret's fair And the other on the first Thursday of November to be called William's fair to be holden yearly in all time comeing upon the Lands of Swanfoord foresaid And have Given and Granted and hereby Give and Grant to the said Sir Samuel Forbes his heirs and ſucceſsors the right and priviledge of keeping the said two yearly fairs for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the right and priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of James Broddie of that Ilk for two yearly fairs and a weekly mercat at the toun of Dycke

OUR SOVEREIGN LADY and Estates of 45
Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majeſties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following and a weekly mercat in manner aftermentioned at the Toun of Dycke in the ſhire of Elgine and Forres and belonging to James Broddie of that Ilk Do therefore by thir presents Appoint two fairs to be kept yearly in all time comeing One thereof to begin on the first Wednesday of May And the other to begin the third Wednesday of November and each of them to continue two dayes And a weekly mercat on Wednesday at the said Toun of Dycke And have Given and Granted and hereby Give and Grant to the said James Broddie his heirs and

ſucceſsors the right and priviledge of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls cuſtomes and caſualities thereof and all other liberties priviledges and advantages uſed and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner adjourned the Parliament till Tuesday next at ten a clock.

SEPTEMBER XVIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Article of the report of the Commiſsion for publick accounts relateing to the Lord Belhaven's tack of exciſe from September I^m vj^c^ and ninety five to March I^m vj^c^ and ninety ſeven, read. Petition for the Lord Belhaven and his partners read, Petition for George Mackenzie one of the Lord Belhaven's subtacksmen read; The Parliament haveing Considered the Petition given in by Belhaven and his partners with the report of the Commiſsion They find that the sum of ſeventeen thousand one hundred and eighty one pounds eleven ſhillings ſeven pence Sterling was never payed in by the Countrey to the said Tacksmen or Subtacksmen Therefore They diſcharge them and the Country of the said sum in the terms of the deliverance of Parliament upon their Petition, which is as follows.

MOVED That the principal Tacksmen be diſcharged of the ſum of five hundred and twenty six pounds eleven ſhilling and ten pence Sterling uplifted by them and not yet counted for And after debate it was put to the vote Diſcharge the Tacksmen of the said sum or Not and carried Discharge, as is expreſsed in the Act underwritten.

Act in favors of the Lord Belhaven & partners, Tacksmen of Excise from September 1695 to March 1697.

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of the Lord Belhaven and the other principal Tacksmen of the five penny Exciſe from September I^m vj^c^ and ninety five till March I^m vj^c^ and ninety seven Humbly Shewing That where by the report from the Commiſsion for auditing the Publick Accounts the petitioners are found reſting in a balance of five hundred and twenty six pounds Sterling They humbly craved leave to represent to their Lordships that considering the great trouble and expences the petitioners have been at dureing the time of ten years bypaſt it is evident that they have expended far more considerable sums than the balance found due by the report from the Commiſsion and that they have made faith that all the money was collected and which the country did yield was payed in to the Receivers Therefore, in consideration of the petitioners faithful and most painful services to the Government in that calamitous times and in makeing effectual to the publick ſuch considerable sums of money out of such broken and deficient funds they being often forced to advance of their privat money the quarterly payments not answering the exigencies of the Government as is well known to many of their Lordships, Humbly Craveing his Grace and the honourable Estates of Parliament to take the petitioners case to their consideration and not only diſcharge the foresaid balance but alſo in juſtice to remit to the foresaid Commiſsion the distribution of the abatement of Seventeen thousand three hundred and seven pounds Sterling as per Act of Parliament for that effect amongst them and their subtacksmen with a special regaird to their expences for manageing this whole affair and with a special regaird to these places where the [ſtreſs of the] calamity was most sensible as the said petition bears. And haveing also heard the report of the Commiſsion of Parliament appointed for stateing and examineing the Publick Accounts relateing to the said matter Bearing that by the Minuts of Parliament dated the twenty fifth of Auguſt I^m vj^c^ and four it being remitted to the Commiſsion to inquire into the arrears of the tack duty of the Lord Belhavens tack of Excise in the terms of the deliverance of Parliament thereanent in his favors the said Commiſsion before acquainting their Lordships of the inquiry they made into this affair judged it proper to lay before them the foresaid deliverance of Parliament in the Lord Belhavens favors to the end they might see how far it agreed with what they were to report. By the Parliament I^m vj^c^ and ninety eight it was ordered That of what was payed by the Lord Belhaven and his partners of their tack duty to his Majestie nothing ſhould be given back That what more ſhould be found to be uplifted from the Country than was payed either in bonds or money should be given to his Majeſty and that the Tacksmen ſhould be lyable for the same whither it had been uplifted by them, their subtacksmen or collectors and the tacksmen are declared no further lyable and that what shall be abated after this manner shall be proportioned amongst the ſubtacksmen at the sight of the Lords of Thesaury, That the Commiſsion might satisfie the remit of Parliament in the terms of this deliverance all imaginable inquiry has been made and particularly they called the Lord Belhaven's Partners Subtacksmen and Collectors before them and Examined them upon oath as to the Extent of their tack duty and collections and of the payments made by them either in money or by bonds and whither there were any promiſes

made or gratifications given for concealments. All these depoſitions with all the other inſtructions and documents relative to this matter the Commiſsion laid before his Grace and their Lordships wherein they would find Primo That the Extent of the Lord Belhaven's tack duty of Exciſe for eighteen moneths amounted to Eighty thousand and eight hundred pounds Sterling Secundo That his Lordship has payed to the Thesaury the sum of fifty eight thousand and twenty nine pounds eight ſhilling and ten pence Sterling Tertio That by several Acts of the Exchequer his Lordship had allowed him four thousand eight hundred and sixty two pounds thirteen ſhillings four pence Sterling as an abatement upon the account of guards garrisons and manufactories as is ordinarly given to other Tacksmen of the Exciſe These two laſt sums being added together make Sixty two thousand eight hundred and ninety two pounds thirteen shillings four pence Sterling, So that there remains Eighteen thousand and seven pounds seventeen shilling ten pence Sterling If this Eighteen thousand and seven pounds seventeen shillings ten pence Sterling had never been uplifted by his Lordship his subtacksmen & collectors nor any part thereof from the Country then by the foresaid deliverance of Parliament in his Lordships favors the whole ought to be allowed; But by the inquiry the Commiſsion have made they find Primo That the Tacksmen have Intrometted with the sum of five hundred and twenty ſix pounds eleven ſhillings and ten pence Sterling not as yet counted for Secundo That Thomas Beaton Subtacksman for Fyfe has Collected the sum of one hundred and fifty nine pounds two ſhillings and six pence Sterling which he retains in his hands Tertio That William Bernard Subtackſman for Eaſt Lothian retains in his hands one hundred and fourty pounds eleven shillings eleven pence Sterling Upon the whole the Commiſsion were of opinion that when these three laſt ſums are payed up there will remain seventeen thousand one hundred and eighty one pounds eleven ſhillings and ſeven pence which haveing never been payed by or collected and uplifted from the Country ought to be allowed to the Lord Belhaven and partners according to the foresaid deliverance of Parliament Together alſo with a full diſcharge of their tack duty as the said report also bears And her Majeſties high Commiſsioner and the Estates of Parliament haveing fully considered the said petition with the foresaid order of Parliament anent the abovementioned Exciſe in anno I^{m} vj^{c} and ninety eight with the Remit from the Parliament to the Commiſsion for the Publick Accounts for makeing inquiry in the terms of the said order of Parliament and the Commiſsioners report abovewritten thereanent and being therewith well and ripely advised They found and hereby find that the principal Tacksmen payed in of their tack duty to the Lords of Thesaury the sum of Sixty two thousand eight hundred and ninety two pounds thirteen ſhilling four pence Sterling in manner mentioned in the report and that they intrometted with five hunhundred twenty six pounds eleven shillings and ten pence Sterling for which the Tacksmen have not yet counted and that there is in the hands of Thomas Beaton ſubtacksman of Fyfeshire ane hundred and fifty nine pounds two ſhillings six pence Sterling and in the hands of William Bernard ſubtaeksman for East Lothian one hundreth and fourty pounds eleven shilling eleven pence Sterling Which sums compleats the petitioners tack duty except the sum of seventeen thousand one hundreth eighty one pounds eleven shillings ſeven pence Sterling which after inquirie was found not to be uplifted from the Country and therefore her Majesties high Commiſsioner and the Estates of Parliament Discharged and do hereby Discharge the principal Tacksmen and their Subtacksmen and the Country of the said sum of Seventeen thousand one hundreth and eighty one pounds eleven ſhillings seven pence Sterling not uplifted from the Country in manner foresaid And also in consideration of the petitioners faithful services in manadgeing the matter of the said Excise Exonered and Discharged and do by thir presents Exoner and Discharge the petitioners of the said five hundreth twenty six pounds eleven shillings ten pence remaining in their hands not counted for and of the said tack it ſelfe and haill clauses thereof and sums therein contained and ordained and hereby ordains the One hundred fifty nine pounds two ſhillings six pence in the hands of Thomas Beatoun and the one hundred and fourty pounds eleven ſhillings eleven pence Sterling in William Bernards hands to be payed to George Mackenzie Tacksman of the northern ſhires in consideration of his damnages.

THEN the Parliament haveing considered George Mackenzie's petition they Decern and Ordain the sums in the hands of Thomas Bethune of Tarvete and William Bernard two subcollectors of that Exciſe to be payed in to him in the terms of the deliverance of Parliament upon his petition, and the said George Mackenzie further recommended to her Majeſty for his superplus loſses mentioned in his petition, Which decreet and recommendation follows.

Decreet George M'kenzie ag^{t} Bethune of Tarvet and William Bernard and Recommendation to the Thesaury in favors of the said George Mackenzie

HER Majesties High Commiſsioner and the Estates of Parliament haveing heard the Petition of George Mackenzie Subtacksman of the Exciſe of the Northern ſhires Humbly Shewing unto them That where the petitioner haveing unhappily ingaged himself in a tack of the Exciſe of five pennies per pint from the first of September I^{m} vj^{c} and ninety five to the first of March I^{m} vj^{c} and ninety seven And after his great expences and

fatigue by the reason of the extreme famine that then appeared and ſuddenly ensued could get no toun shire or paroch set as formerly nor so much as could reach the one half of his tack duty And seeing he found by the expreſs terms of his tack that in case of famine the same was to be void and null, he immediatly returned to Edinburgh and renunced in the hands of the Lord Belhaven and others principal Tacksmen protesting he would no further meddle but be answerable conform to his intromiſsions; And haveing made alſo application to the Lords of Thesaury they in regaird of his timely diligence and the notour truth of the calamitous Condition of the Northern Countrys as was attested by the ſubscriptions of the Noblemen Barons and Magiſtrats Gave him a siſt in the interim for one half of his tack duty Whereupon and upon orders given to mannage the said shires to the best avail which he performed with all the application was poſsible for him nevertheleſs the famine dayly increaſeing in his diſtrict was not known in the south untill the north Countrys being wasted the droves of the poor over charged the south Countries, then it was that the said George his repreſentations got credit and became a handle to the rest of the Tacksmen for obtaining an abatement And it is to be observed that most of the tacksmen were made capable to support the burden when they had entred in cheap tacks and that the tack was very near expired before they were made sensible of the famine So that the petitioners case is no wayes parallel to the reſt when it is evident he had the double burden of the first and last of the rageing famine and of a heavie double tack, Nevertheleſs the principal Tacksmen did haraſs the said George and Cautioners with all the violent methods of quartering whole Companies at his house in the country and chamber when at Edinburgh whereby he was constrained by these and like methods to raise all the money his privat stock and credit with others could afford, so that albeit it is evident by the reports of the Committee that he only collected eight thousand eight hundred and seven pounds Sterling yet he was compelled to pay up to the said principal Tacksmen in specie as per recept Ten thousand four hundred and seventeen pounds nineteen shillings Sterling and that before the act of Parliament was made for relief of the Tacksmen which with upwards of seven hundred pounds Sterling the said George expended as per particular account in now these ten years bygone makes his loſs evidently to be no leſs than Two thousand three hundred and nine pounds Sterling, Wherefore upon the whole it will be a very great hardſhip if the petitioner shall be only ruined in that tack after his expences and indeavours have been the occasion allenarly of procureing them an abatement of the tack duty and thereafter of turning the tack into a Collection and so the abatement ought in juſtice be applyed not in proportion to the quotas and tack duty but according to the meaſure of the calamities which was the cause for which both abatement was granted and thereafter the tack opened. And there being upon report of the Commiſsion of Parliament a ſmall balance of that Exciſe yet in the hands of the principal and ſubtacksmen which albeit but about a third part of the petitioners sum yet it is humbly presumed it will be thought highly reasonable the petitioner be refounded out of this proper fund and from those who extorted his money Therefore Craveing His Grace and the honourable Estates of Parliament to ordain payment to be made to the petitioner of the said balance in the principal and subtacksmens hands the same being but a part of his own money and that what remains may be remitted to be summarly discuſsed before any competent Judicatory seeing the petitioner demands nothing for his loſs of ten years time and fatigue, as the said petition bears. And haveing likewayes heard that part of the report of the Commiſsion of Parliament appointed for stateing and examineing the public accounts to which the said petition referrs, Bearing that it being remitted to them to inquire into the arrears of the tack duty of the Lord Belhaven's tack of exciſe in the terms of the deliverance of Parliament in his favors thereanent They before acquainting the Parliament of the inquiry they made into that affair Judged it proper to lay before them the foresaid deliverance of Parliament in the Lord Belhaven's favors to the end they may see how far it agrees with what they were to report By the Parliament I^{m} vj^{c} and ninety eight it was Ordered that of what was payed by the Lord Belhaven and his partners of their tack duty to his Majesty nothing should be given back, that what more ſhould be found to be uplifted from the Country than was payed either in bonds or money should be given to his Majesty and that the tacksmen ſhould be lyable for the same whither it had been uplifted by them their subtacksmen or collectors and the tacksmen are declared no further lyable and that what shall be abated after this manner ſhall be proportioned among the Subtacksmen at the sight of the Lords of the Thesaury. That the Commiſsion might satisfie the remit of Parliament in the terms of this deliverance all imaginable inquiry has been made and particularly they called the Lord Belhavens Partners Subtacksmen and Collectors before them and examined them upon oath as to the extent of their tack duty and collections and of the payments made by them either in money or by bonds and whither there were any promiſes made or gratifications given for concealments, All these depoſitions with all the other instructions and documents relative to this matter the Commiſsion laid before his Grace and their Lordships wherein they will find Primo That the extent of the Lord Belhaven's tack duty of Exciſe

for eighteen moneths amounts to Eighty thousand and eight hundred pounds Sterling, Secundo That His Lordship has payed to the Thesaury the sum of fifty eight thousand and twenty nine pounds eight ſhilling & ten pence Sterling Tertio That by several acts of Exchequer His Lordſhip had allowed him four thousand eight hundred and sixty two pounds thirteen shillings four pence Sterling as an abatement upon the account of guards, garrisons and manufactories as is ordinarily given to other tacksmen of the Excise These two last sums being added together make Sixty two thousand eight hundred and ninety two pounds thirteen ſhilling four pennies Sterling so that there remains Eighteen thousand and seven pounds seventeen shillings and ten pence Sterling If this eighteen thousand and seven pounds seventeen shillings and ten pence Sterling had never been uplifted by his Lordship, his Subtacksmen or Collectors, nor any part thereof from the Country, then by the forsaid deliverance of Parliament in his Lordships favors the whole ought to be allowed; But by the inquiry the Commiſsion have made They found Primo That the Tacksmen have intrometted with the sum of five hundreth and twenty six pounds eleven shillings and ten pence Sterling not as yet counted for, Secundo That Thomas Beaton subtacksman for Fyfe has collected the sum of One hundreth and fifty nine pounds two shillings and six pence Sterling which he retains in his hands. Tertio, That William Bernard subtacksman for Eastlothian retains in his hands One hundreth and fourty pounds eleven ſhillings and eleven pence Sterling. Upon the whole the ſaid Commiſsion were of opinion that when these three laſt sums are payed up there will remain ſeventeen thousand one hundreth and eighty one pounds eleven ſhillings and sevenpence Sterling Which haveing never been collected or uplifted from the Country ought to be allowed to the Lord Belhaven and partners according to the foresaid deliverance of Parliament Together also with a full discharge of their tack duty, as the said report also bears. And Her Majestics high Commiſsioner and the said Estates of Parliament haveing fully Considered the foresaid petition with the foresaid report of the Commiſsion for publick accounts to which it referrs and being therewith well and ripely advised They Decerned and Ordained and hereby Decern and Ordain the one hundreth and fifty nine pounds two shillings Sterling money in the hands of Thomas Beatoun subtacksman for the shire of Fyfe and the one hundred and fourty pounds eleven shillings eleven pence Sterling money in the hands of William Bernard subtacksman for Eastlothian conform to the said report to be payed to the petitioner by the said respective ſubtacksmen havers thereof for refounding so much of the loſs and damnage represented by the ſaid petition And Recommended and hereby Recommend the said petitioner to her Majesties royal bounty for the superplus of the said loſs extending to two thousand and nine pounds six ſhillings and one penny Sterling money and ordains Letters of horning and all other needful execution to paſs upon this decreet in form as effeirs.

THE article of the report of the said Commiſsion relating to the Duke of Queensberry's bond lying in the Thesaury, read, Petition for his Grace also read Craveing to be free of annualrents of the said bond and Compensation of the principal sum he being Creditor to the publick in far greater sums And the Parliament haveing considered the said report with the petition They Grant the deſire thereof in the terms of the deliverance of Parliament upon the said petition, as follows.

Act in favors of the Duke of Queensberry

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of James Duke of Queensberry Humbly Shewing unto them That whereas in the years I^m vj^c^ and ninety four and ninety six he was neceſsitat to imploy his privat credit to borrow three thousand pounds Sterling from the Commiſsaries of the army for paying the troop of horse guards then under his command the ſaid troop being then upon the Engliſh establishment and their pay not remitted from thence, His bonds were allowed to the Commiſsaries in their accounts to the Lords of Thesaury in anno I^m vj^c^ and ninety nine upon his giveing bond to their Lordſhips for the said three thousand pounds Sterling and five hundreth and twelve pounds Sterling for bygone annualrents The petitioners case was Remitted by last Seſsions of Parliament to the Commiſsion for Publick Accounts and his Lawyers haveing made his defences which are inserted in the report he shall not trouble his Grace and their Lordſhips with repeating them being well perswaded his Grace and their Lordships will find agreeable to the Laws and practick of this Nation to allow him compensation for what he shall be found lyable in, since the Government is and has been debitor to him of a long time in far more and considerable sums, What the petitioner begs leave further to represent is that it being evident that the money he borrowed was not for his own privat use but for the service of the troop of guards and it being notour that the pay of the said troop was not cleared for some years thereafter and then only by debentures which could not be made effectual without great discount and further the Government being debitor to the petitioner for several years in far greater ſums it appears hard that he ſhould be lyable for any annualrents of the sum so borrowed and imployed by him Therefore craveing his Grace and their Lordſhips to consider that article of the report from the Commiſsion which concerns the petitioner's bond

of three thousand five hundred and twelve pounds Sterling granted to the Lords of Thesaury in July I^m vj^c^ and ninety nine and to find that the money advanced to him be the Commiſsaries of the army (which is the original cauſe of the said bond) not being for his privat use but for the service of the troop of guards and for preventing the disorders might have happened upon their not being payed that he ought not to be lyable to any ärents for the said sum And find that the petitioner being Creditor to the publick for greater sums than the said sum of three thousand pounds Sterling advanced to him by the said Commiſsaries he ought to have allowance and compensation for the said sum of three thousand pounds Sterling he dischargeing the like sum out of the sum of fourteen thousand nine hundreth and twenty three pounds twelve shillings two pence Sterling yet reſting to him and to ordain his bond to be given up and declare him quit and free thereof for ever upon his granting a discharge in the terms foresaid as the said petition bears. And her Majesties said Commiſsioner and the Estates of Parliament haveing likewayes heard that part of the report of the said Commiſsion of Parliament appointed for stateing and examineing the Publick Accounts which relates to the said affair Bearing that the Duke of Queensberry's bond to the Thesaury being remitted to the Commiſsion and to hear his defences they had accordingly heard the Duke of Queensberrie's Lawyers on the said defences as to the sums of money borrowed by him from the Thesaury which containing several specialities had straitned them in determineing any thing against him Therefore they presumed to lay his case before the Parliament with an account of the most material things that were pled for him That the honourable house might with the greater eaſe give their deciſion in the matter, The Duke of Queensberry anno I^m vj^c^ and ninety eight gave bond to the Thesaury for three thousand five hundred and twelve pounds Sterling made up of the sums borrowed at two several times from Sir Alexander Bruce and Sir George Hamilton General Receivers of the fonds of Ceſs and Exciſe, payable to the Lords of the Thesaury or their ſucceſsors in office at Candlemaſs I^m vj^c^ and ninety nine, The Duke's Lawyers acknowledged the debt but craved compensation in respect that a far greater ſum instantly verified and liquidated is owing to him by the Government Which defence of compensation they pled upon the following grounds Primo That compensation in Law is equivalent to payment and extinguiſhes the debt ipſo jure takeing place not only against privat ſubjects, but likewayes against the Prince and that both by the Civil Law and the Municipal Laws of this Kingdom as by Act one hundreth and fourty first, Parliament twelvth, Jamos Sixth, and likewayes as it was decided in the case of the Lord Maxwell against the King as is observed by Durie December nineteenth Anno I^m vj^c^ and thirty two, Secundo That the fourteenth Act of the Parliament I^m vj^c^ and sixty one narrates the Exciſe to be granted towards the defraying of the neceſsary Charges of the Government according to his Majesties royal pleaſure, That the Act eighteenth Parliament I^m vj^c^ and eighty one continues the same five years after King Charles his decease in statu quo, That the Act ſecond Parliament I^m vj^c^ and eighty five annexes the Exciſe to the Crown and bears expreſsly to be designed for supporting the interest thereof That the Act twenty eight Parliament I^m vj^c^ and ninety five transferrs the payment of Excise from the malt to the liquor but continues the annexation to the Crown and the ends and uses for which the former Acts narrated it to have been granted. Tertio That the Estates of Parliament thought fit last year to acquiesce in very great allowances that had been given to the Duke of Hamilton the Marqueſs of Tweeddale and the Earl of Melvill Commiſsioners to the Parliament out of the funds of Ceſs and Exciſe, Upon which three grounds the Lawyers craved that compensation might be allowed since her Majestie had the undoubted disposal of the Exciſe at her pleaſure there haveing been never as yet any appropriation thereof by a Law for the use of the army And that tho the Duke's bond does not bear expreſsly to be borrowed out of the Excise yet since his late Majesty King William could have allowed Compensation to the Duke by vertue of the power he had to dispose of any ſum not exceeding the tack duty of the annexed Exciſe therefore they concluded that her preſent Majesty Queen Anne and the Estates of Parliament ought in juſtice to allow the same as the said report alſo bears And her Ma^ts^ high Commiſsioner and the said Estates of Parliament haveing this day fully considered the foresaid petition with the foresaid report of the Commiſsion and being therewith well and ripely advised They Found and hereby Find that there can be no annualrent due by the foresaid bond for the reaſon abovementioned and expreſsed in the said petition And that the petitioner ought to have Compenſation of the sum of three thousand pounds Sterling therein contained upon his diſchargeing the like sum out of the above specified sum of fourteen thousand nine hundred and twenty three pounds twelve shillings two pence Sterling due to the petitioner and Ordained and hereby Ordain the said bond to be retired and delivered up to the Petitioner and Declared and hereby Declare him quit and free thereof upon his granting diſcharge of the said sum of three thousand pounds in manner represented in the said petition.

ARTICLE of the report of the Commiſsion relating to the bond of Eight hundreth and fifty three

pounds two ſhillings Sterling granted by the late Duke of Argyll to the Lords of Thesaury read and an Act thereon made as follows.

Act in favors of the Duke of Argyll

HER Majesties high Commiſsioner and the Estates of Parliament haveing considered the report of the Commiſsion of Parliament appointed for stateing and examining the publick accounts relating to the bond granted by the late Duke of Argyll to the Lords of Thesaury bearing that they needed not reſume to the Parliament the case of the late Duke of Argyll and the defences proponed by his Lawyers upon his bond for Eight hundred pounds Sterling these being the same with those proponed for the Duke of Queensberry only they muſt represent to his Grace and their Lordſhips one speciality in the Duke of Argyll's bond which is his oblidgement either to pay the said Eight hundred pounds Sterling to the Lords of the Thesaury and their ſucceſsors in the office or to procure a letter from King William for allowing the same to him Which letter the Commiſsion did find his Grace procured from her Majeſty Queen Anne Anno I^{m} vij^{c} and three And haveing also considered the following Letter directed by her Majeſty to the Lords of Thesaury and the bond it selfe which is in these terms That if betuixt & the fifeteenth of September I^{m} vj^{c} and ninety six and the first day of April next thereafter his Grace did not procure and deliver to the said Lords his Ma^{ts} Letter or Warrand for delivering up to his Grace the said bond without repayment of the said ſoume then he oblidged himself his heirs and ſucceſsors to pay and refound the same, And his Grace haveing in February I^{m} vij^{c} and three obtained her Majesties Letter authorizeing and requireing the said Lords to state the account of arrears due to his Grace of pay and cloathing and to deliver up to the said Duke the said bond of Eight hundred and fifty three pounds two shillings Sterling and to take his receipt as so much payed to him on account of his said arrears of pay and cloathing; And her Majesties high Commiſsioner and the said Eſtates being well advised with the foresaid report, letter and bond They Recommended and hereby Recommend to the Lords of Theſaury to give up and diſcharge the said bond upon their getting a valid diſcharge of the sum of Eight hundred and fifty three pounds two ſhillings Sterling as a part of the arrears due to the deceaſed Duke of Argyll.

THE Article of the Report of the Commiſsion relating to the hearth money collected by the deceased Laird of Caſsingray read and considered and an act thereon made as follows.

Act in favors of the heirs and Cautioners of the deceased Laird of Caſsingray Collector of the hearth money.

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard that Article of the report of the Commiſsion of Parliament appointed for stating and examining the Public Accounts relating to the hearth money collected by the deceased Laird of Caſsingray Bearing that by the Minuts of Parliament dated the sixteenth of August I^{m} vij^{c} and four It being Remitted to the Commiſsion to inquire into the balance of the hearth money They found that when the deceaſed Laird of Caſsingray made up his accounts with the Lords of the Thesaury he had a balance in his hands extending to ſeven thousand three hundred and sixty eight pounds Scots But since that time they found that he and the Earl of Leven payed the same according to the Thesauries orders for the ends and uses to which the hearth money was granted by the Parliament except as to the ſum of four hundreth and thirty two pounds Scots which they had allowed the Lord Belhaven to retain in his hands in part payment of his own arrears so that this balance hath been fully accounted for and the documents thereof are lying before his Grace and their Lordships as the said report bears And Her Majesties high Commiſsioner and the said Estates of Parliament haveing fully Considered the said Article of the foresaid report and being therewith well and ripely advised They Approved and hereby Approve thereof and Recommended and hereby Recommend to the Lords of Thesaury who are hereby authorized to Diſcharge the heirs of the said Caſsingray and to give up the bond wherein he and his Cautioner ſtand bound for the said hearth money.

ARTICLE of the report of the Commiſsion relating to Sir Alexander Bruce of Broomhall and partners their advances to the army upon the accounts mentioned in the report, Petition for the ſaid Sir Alexander Bruce, read, and the Parliament haveing Considered the said report with the petition They find the petitioner Creditor to the publick in the ſums and manner as is contained in the deliverance of Parliament upon the said petition which is as follows.

Act in favors of Sir Alexander Bruce of Broomhall

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard that article of the Report of the Commiſsion of Parliament appointed for stating and examining the Public Accounts relating to Sir Alex^{r} Bruce of Broomhall and partners their advances to the army upon the account mentioned in the said report which Bears that by the Minuts of Parliament dated the twenty third of Auguſt I^{m} vij^{c} and four it being Remitted to the said Commiſsion to Consider Sir Alexander Bruce of Broomhalls petition Craveing payment of his depursements for the army They Found that Sir Alexander Bruce and his partners did enter into a contract with the Lords of the Thesaury wherein they were not oblidged to forrage any troops but ſuch as were upon the Scots eſtabliſh-

ment Yet notwithstanding thereof they forraged the troop of horse guards and the Lord Teviots regiment of dragoons both being upon the Engliſh eſtabliſhment at that time, which Sir Alexander pretends he did at the desire of the Lords of the Thesaury tho he has not instructed the same by any written order, They found also that whereas their Lordships of the Parliament in the laſt Seſsion thereof were pleased to acquiesce in considerable allowances given to other Commiſsaries as poundage for extraneous precepts payed out of the ceſs and exciſe otherwayes than for the uſe of the army Yet Sir Alex[r] got never any allowance for these extraneous precepts notwithstanding, as he pretends, he had no other sallary or advantadge than the poundage he expected out of the Ceſs and Exciſe. He Claims likewayes some consideration upon the account of his forrageing the troop of guards at that time attending the Parliament which was likewayes granted to other Commiſsaries and allowed by the Parliament the laſt Seſsion thereof And upon the whole the Commiſsion observed that tho Sir Alexander might poſsibly [have] been at considerable loſs by reason of his exceeding the terms of his contract with the Lords of the Thesaury yet it depends upon the Parliament to judge whither or not they will favour him with the same allowances that were granted to others, as the said report bears And haveing alſo heard the petition of the said Sir Alexander Bruce Jerviſwood and partners Humbly Shewing unto them That the laſt Seſsion of Parliament did Remit to the honourable Commiſsioners for publick accounts a petition presented by p[m] touching certain deburſements of the petitioner's for the army, That in pursuance of that Remit the Commiſsioners have proceeded to inquire into the state of that affair and to Examine what these deburſements did amount to with grounds whereupon the samen are founded and the proofs and evidences thereof as appears by the Minuts of their procedure in the same, That they have also framed and printed a short report relating to the same Therefore humbly Begging that His Grace and their Lordships would take the ſaid affair into their consideration And after haveing Examined the relevancy and truth of the petitioner's pretensions as has been made appear before the said honourable Commiſsioners, They would in their juſtice take some such course as the petitioner may be payed of the same as the petition foresaid also bears. And Her Majesties said Commiſsioner and the said Estates of Parliament haveing fully Considered the foresaid report of the Commiſsion of Parliament anent Sir Alexander Bruce's Claims with the foresaid petition relative thereto They found and hereby Find That there is due and resting to the said Sir Alexander the sum of five hundred thirty six pounds Sterling for his forrageing the troop of guards with hard meat dureing the Parliament I[co] vj[c] and ninety five As also modified and hereby modifies the sum of one thousand pounds Sterling to be payed to the said Sir Alexander Bruce as due to him for his loſses in forrageing the troop of guards and regiment of dragouns commanded by the Viſcount of Teviot And for the pondage of extraneous precepts in respect the said Sir Alex[r] had no poundage for the said troops upon English pay Extending the said sums for which the said Sir Alexander is found Creditor to the sum of fifeteen hundreth thirty six pounds Sterling and that in satisfaction of Sir Alexander's haill Claims abovementioned expreſsed in the said report and petition.

[Gratuities to be given to the Commiſsioners of Publick Accounts]

MOVED That a gratuity should be given to the members of the Commiſsion of Parliament viz. The Earl of Dunmore M[r] William Seton M[r] John Clerk M[r] Dougald Steuart and M[r] Robert Fraser for their pains & attendance in auditeing and examineing the publick Accounts since the last Seſsion of Parliament: Agreed to, that each of the forenamed persons shall have Two hundred pounds Sterling payed to them for their said pains and attendance and that out of any ſure fund as the same shall hereafter occur Agreed likewayes that Walter Riddell Clerk to the said Commiſsion for his pains and attendance on the said Committee ſhall have fifty pounds Sterling payed to him.

Recommendation to her Majestie in favors of several of the Members and Clerk of the Commiſsion for auditing the publick accounts

MOVED that in regaird no sure fund does at preſent appear out of which the abovenamed persons can receive ready payment of their respective sums, That therefore the Estates of Parliament ſhould Recommend them to her Majesty that she may order the said payments in the way & manner her royal wisdom shall judge most proper Which motion was agreed to accordingly.

AGREED that the article of the report of the Commiſsion relating to the Pole money collected by Ferguſlie, and the Petition given in by George Preſtoun be first under consideration next Sederunt of Parliament.

THE Article of the report of the Commiſsion relating to Major James Cunninghame of Aiket read, Petition for the said Major James Cunninghame also read, and he preferred to a certain sum as contained in the deliverance of Parliament upon his Petition, Which is as follows.

Act in favors of Major James Cunninghame of Aiket.

HER Majesties high Commiſsioner and the Eſtates of Parliament Haveing heard the Petition of Major James Cunninghame of Aiket Humbly Shewing unto them That where the petitioner haveing applyed the laſt Seſsion of Parliament for payment of arrears due to himself of perſonall pay and

money advanced to his Company and several officers therein who were in a bad condition for want of their ſubſiſtance and they being in ſuch circumſtances as the petitioner thought diſcreditable to the ſervice they being then posted in that part of the highlands that had not then submitted to the Government, the petitioner advanced to them out of his own privat ſtock for their ſubsistance Two hundreth and seventy pounds Sterling And by a particular Minute of Parliament all officers who went to Caledonia were to be preferred to all other officers out of the funds for their arrears and Companys subsistance And haveing instructed his claim to the Commiſsion of Parliament and by them Recommended to his Grace and honourable Eſtates of Parliament in their report, the petitioner is encouraged by the great compaſsion the Parliament showed in not suffering Sir William Meinzies who was addebted to the Government to be ruined, so the petitioner hopes they will as little suffer a Creditor to it to be ruined who out of affection thereto advanced it in the ſervice of the government, Therefore Craveing His Grace and honourable Eſtates of Parliament that seeing the petitioner is one that with the first went to Caledonia and being remitted to the Commiſsion of Parliament with a preference to all other officers who went not there to take his case so under consideration as that his affection to his Country may not be the occasion of the ruin of his family, and to appoint a sure fund for payment of the said two hundred and seventy pounds instructed advanced by him to his said Company as said is as the said petition bears And Her Majesties said Commiſsioner and the Eſtates of Parliament haveing also heard the report of the Commiſsion of Parliament appointed for stateing and examineing the publick accounts relating to the foresaid Petition Bearing that by the Minuts of Parliament dated the twenty third of August I^{m} vij^{c} and four a Petition for the said Major James Cunninghame with several other Petitions from the officers of the army therein named anent their arrears being remitted to the ſaid Commiſsion they were sorry that it did not ly in their power to take such a regaird to these honourable officers [claims] as their services to their Country did juſtly deſerve for their being no funds for their payment the Commiſsion presumed to recommend them to his Grace and their Lordſhips that they might Consider their Circumstances and provide for their relief, Amongst these officers the Commiſsion were in a special manner oblidged to consider Major Cunninghame of Aiket's case in regard the Parliament by their Minuts of the same date appointed the officers who went to Caledonia should have preference out of the respective funds in which they are concerned wherefore seeing Major Cunninghame served in the Earl of Glencairn's regiment as a Captain at the Revolution and had a right to the Pole money I^{m} vj^{c} and ninety three for payment of his arrears Therefore the Commiſsion had already allowed him one hundred & fourty five pounds twelve ſhillings Sterling in part of what is owing him out of that proportion of the Pole money which they had allotted to the Earl of Glencairn's regiment And were of opinion when all the money comes in the Major muſt be allowed full payment of his arrears according to the tenor of the Parliaments Remit in favors of those who went to Caledonia as the said report also bears And Her Majesties Commiſsioner and the said Eſtates haveing fully considered the said Petition with the foresaid report of the Commiſsion of Parliament thereto relating and being therewith well and ripely advised They preferred and hereby Preferr the petitioner to the above Two hundred and ſeventy pounds Sterling out of what is remaining of the Pole money one thousand six hundred and ninety three years in the Collectors and Subcollectors hands and Ordained and hereby Ordain the Collectors and Subcollectors in whose hands the same is to pay the same to him out of the first of the dividend of that Pole belonging to the Earl of Glencairns regiment.

THE Article of the report of the Commiſsion anent Sir George Hamilton late Commiſsar of the Army read, Petition for the said Sir George also read and he Recommended to the Lords of Thesaury as contained in the deliverance of Parliament upon his Petition Which is as follows.

Act & Recommendation to the Thesaury in favors of Sir George Hamilton

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the Report of the Commiſsion of Parliament appointed for stateing and examineing the publick accounts Bearing that by the Minuts of Parliament dated the twenty third day of Auguſt I^{m} vij^{c} and four years it being remitted to the Commiſsion to consider Sir George Hamilton's Petition craveing payment of bygone ſallaries due to him, The Commiſsion Found that Sir George Hamilton was appointed Commiſsar and General Receiver by a Commiſsion under the great Seal dated the fifth day of January I^{m} vj^{c} & ninety one with a Sallary of Six hundred pounds Sterling per annum Which Commiſsion bears an expreſs clause That Sir George ſhould Continue in the office till it ſhould be recalled which did not happen till the beginning of the year I^{m} vj^{c} and ninety ſeven whereby he juſtly claims five years Sallarys as the ſaid report bears. And haveing also heard the Petition of the said Sir George Hamilton of Tulliallan Humbly Shewing unto them That upon the petitioners application to their Lordſhips laſt Seſsion of Parliament Craveing payment of the bygone ſallaries due to him as General Receiver of the funds of Supply and Inland Exciſe and Paymaſter General of the Army for the years mentioned in his Petition, he

obtained a deliverance thereon Remitting his caſe to be Considered by the Commiſsion appointed for auditeing the publick accounts with power to them to determine therein as they should find just The petitioner did apply to their Lordships and did exhibite before them his ground of claim and after consideration had thereof by them They found that he has a just claim for five years sallary at six hundreth pounds Sterling per annum as the Commiſsions report page ninth does bear But the Commiſsion haveing no funds before them out of which they could appoint payment to the petitioner he is neceſsitated again to apply to his Grace and the Estates of Parliament And Therefore Humbly Beseeching his Grace and their Lordships not only to Approve of the Commiſsioners report stating the petitioner Creditor in the terms thereof but alſo to appoint him payment of his said Credit in the way and manner and out of such funds as his Grace and their Lordships should think proper as the said petition also bears. And Her Majeſties high Commiſsioner and the said Estates of Parliament haveing fully considered the said report of the Commiſsion for auditing the publick accounts with the foresaid petition and being therewith well and ripely advised They Recommended and hereby Recommend the petitioner to the Lords of her Majesties Thesaury for payment of what is due to him for the cause abovewritten dureing the time of his service to be instructed before the Lords of Thesaury.

THE article of the report of the Commiſsion relating to John Campbell of Knockrioch and partners their Collection of the pole I^{m} vj^{c} and ninety five read, Petition for the said John Campbell and partners also read and he Recommended to the Lords of Thesaury as contained in the deliverance of Parliament on his petition in manner following.

Recommendation to the Thesaury in favors of John Campbell of Knockrioch & partners

HER Majesties high Commiſsioner and the Eſtates of Parliament haveing heard that article of the report of the Commiſsion of Parliament appointed for stating and examining the publick accounts relating to John Campbell of Knockrioch and partners their Collection of the pole I^{m} vj^{c} and ninety five years Bearing that by the Minuts of Parliament dated the twenty third day of August I^{m} vij^{c} and four the account of the pole money I^{m} vj^{c} and ninety five being Remitted to the Commiſsion as to the three articles not determined by the Parliament viz. The article of the imbazelments of Collectors extending to Sixteen thousand five hundred and ninety six pounds Scots The article of the quadruples of the army extending to seventeen thousand seven hundred and sixty pounds Scots The article of six thousand pounds Scots as the pole of the Epiſcopal Clergie They the ſaid Commiſsion did find by the Tacksman John Campbell of Knockriochs oath and by other inſtructions that these imbazelments cannot be furder extended than to fourteen thousand eight hundred and fourty two pounds Scots, As to the second article they found by considering the Eſtabliſhment of the forces for that year that the Quadruples of the army could amount to no more than thirteen thousand four hundreth and fifty six pounds Scots And that the third article viz. the pole of Episcopal Clergy could not exceed three thousand pounds Scots the half of what is stated: Upon the whole matter the Commiſsion did represent to the Parliament that since by the Minuts of the last Seſsion of Parliament they were pleased to allow these articles to the Tacksman John Campbell when inſtructed before the said Commiſsion therefore it follows that by what the Commiſsion did repreſent to the Parliament in their laſt years report and by what they have now represented, the publick will be debitor to the Tacksman in the ſum of four thousand nine hundred and twenty two pounds Scots as the said report bears And haveing also heard the petition of the said John Campbell and his partners Tacksmen of the pole I^{m} vj^{c} and ninety five Humbly Shewing unto her Majesties said Commiſsioner and the Estates of Parliament That by the report from the Commiſsion of Parliament to whom the inquireing into the said pole was remitted It is clear that the petitioners have payed the full tack duty and that the publick are debitor to them in four thousand nine hundred and twenty two pounds Scots Wherefore the petitioner and partners ought not only to be diſcharged but the ſum due to them ought to be ſtated as a publick debt and their Tack to be delivered up to them And therefore Craveing his Grace and honourable Estates of Parliament to recommend to the Lords of her Majeſties Theſaury and Exchequer to grant the petitioner and partners a ſufficient diſcharge of the ſaid tack and deliver up the ſame to them and to state the foresaid sum as a debt due to the petitioner and his partners by the publick as the said petition also bears And her Majeſties said Commiſsioner and the said Estates of Parliament haveing fully considered the said petition with the foresaid report of the Commiſsion for publick accounts and being therewith well and ripely advised They Found and hereby Find that the petitioners have payed the full tack duty of the pole I^{m} vj^{c} and ninety five and that the publick are debitors to them in four thousand nine hundred and twenty two pounds Scots And therefore Recommended and hereby Recommend the petitioners to the Lords of her Majeſties Thesaury to grant the petitioner and partners a ſufficient diſcharge of the said tack and deliver up the same to them and to ſtate the foresaid sum of four thousand nine hundred and twenty two pounds as a debt due to the petitioners by the publick.

PETITION for Mr Charles Campbel read, And a ſift of perſonal Execution granted to him in the terms of the deliverance of Parliament upon his said petition Which is as follows.

Act and Recommendation in favors of Captain Charles Campbell

AT EDINBURGH the fourteenth and eighteenth days of September I^m vij^c and five years Her Majesties high Commiſsioner and the Eſtates of Parliament having heard the petition of Captain Charles Campbell Humbly Shewing unto them That where the petitioner having last Seſsion of Parliament represented that there was Six hundred pounds Sterling of arrears and others due to him by the publick conform to particular inſtructions given in thereof His Grace and the high Court of Parliament were pleased to sustain the juſtice of his claim and ordered him one hundred pound Sterling to account and there being five hundred pound Sterling still reſting the want of which these several years bypaſt has run the petitioner in debt and put his affairs in diſorder which may incapacitat him to appear in publick if not prevented by his Grace and their Lordships compaſsion and bounty And seeing the petitioner for the more eaſie accomodating his buſineſs is willing to accept at present what part for his present neceſsity their Lordſhips ſhall think fit And in caſe their Lordſhips bounty will extend to the whole he shall then diſcharge the publick Craveing therefore his Grace and their Lordſhips to take the petitioners circumſtances to consideration And for relief thereof to order him payment of such a sum as their goodneſs and wisdom should think fit and that out of some sure fund in being or to be imposed and untill the same be made effectual to sift all legal diligence against his person as the said petition bears And her Majesty's high Commiſsioner and the Eſtates of Parliament having on the said fourteenth day of September heard and considered the said petition read in their preſence They Recommended and hereby Recommend the petitioner to the Lords Commiſsioners of her Majesties Thesaury for payment of One hundred pounds Sterling in part of his bygone arrears out of what fund they ſhall think most effectual And ordained all parties concerned to see and answer that part of the petition craving a sist of legal diligence against the first Sederunt of Parliament the then next week And having again on the said eighteenth day of September again heard and considered that part of the ſaid petition craving a sist of legal diligence And there being no answers made thereto by his Creditors They granted and hereby grant to the petitioner a sift of all legal diligence against his person for any debts due by him to his Creditors, ay and while the petitioner be repaid of the arrears due to him as an officer of the army.

ARTICLE of the report of the Commiſsion relating to John Drummond and James Dunlop late General Receivers read, Petition for them also read, And they Recommended to the Lords of Thesaury for the ends contained in the deliverance of Parliament upon their petition, as follows.

Recommendation to the Thesaury in favors of John Drummond & James Dunlop late General Receivers

HER Majesties high Commiſsioner and the Estates of Parliament haveing heard the petition of John Drummond and James Dunlop late General Receivers Humbly Shewing unto them That where by the firſt report of the Commiſsion of Parliament appointed for ſtating & examining of the publick accounts presented in the last Seſsion of Parliament there was found very considerable sums due to the petitioners by the Government as appears by the observations on the first second and sixth accounts contained in the foresaid report whereupon the petitioners presented to the same Seſsion of Parliament a petition craving payment of the balance due to them which was then read and remitted to the foresaid Commiſsion to consider the petitioners case and determine therein as the Minuts the twenty third of August I^m vij^c and four bear, In compliance with which remit the foresaid Commiſsion upon the fifth of September the foresaid year I^m vij^c and four did give power and commiſsion to the petitioners to collect and inbring the articles of rests of Exciſe and Supply mentioned in the foresaid observations of the said Commiſsion upon the second fourth and seventh accounts and also to uplift the fractions of ceſs therein specified With power to them to pursue those lyable in payment and to use all manner of diligence for the same they always holding count to the Commiſsion for their intromiſsions as their Act at Edinburgh the foresaid fifth day of September I^m vij^c and four years bears. Upon which Act and Commiſsion the petitioners made their report and account to the foresaid Commiſsion of Parliament who in their second report now presented to the Parliament and in the fourteenth page thereof do declare the sums intrometted with by the petitioners and uplifted since the laſt Seſsion of Parliament and stated in an account produced with the said report do extend to one thousand six hundred pounds Scots or thereby which they have allowed the petitioners to retain and ſtill find that there is a very conſiderable balance owing to them by the Government As also that many of these very sums of rests of Ceſs and Exciſe having been aſsigned to the petitioners by the Lords of Thesaury for their payment They were recommended to them by the Parliament as the foresaid Minuts of the twenty third of Auguſt bear And now seeing that the foresaid sums due to the petitioners are clearly stated and in effect very considerable so that they are in hazard to be utterly ruined and undone and that it appears most reasonable that the recommendation and remit for-

merly granted by the Parliament should be prosecute according to the opinion and second report of the foresaid Commiſsion exhibite to the Parliament as said is Craving therefore his Grace and the high and honourable Court of Parliament to consider the premiſses and to grant to the petitioners full power and Commiſsion for to uplift from the Collectors and tacksmen of the foresaid reſts of Excise and Ceſs whatever may be resting in their hands and if need bees to usẽ all diligence against them and their Cautioners whereunto they are lyable by Law and to apply what they ſhall recover for their own payment they being always lyable to make count and reckoning to the foresaid Commiſsion of Parliament for their said intromiſsion & recepts as the said petition bears, And having also heard the report of the said Commiſsion of Parliament appointed for stating and examining the publick Accounts relative thereto Bearing that by the Minuts of Parliament dated the twenty fifth of August I^{m} vij^{c} and five the account of what is resting to the publick of the Ceſs Exciſe hearth money pole money and Tunnage since the year I^{m} vj^{c} and nïnety eight to the year I^{m} vij^{c} and one had been read and the first three articles had been Remitted to the Commiſsion to inquire if these who were Receivers at that time had received these ballances And that they could not find by any inquiry they had made that these who were receivers at that time had ever got up the reſts of the Supply and Exciſe mentioned by them in their former report in those first three articles But they had given warrand to John Drummond and James Dunlop to uplift the same And accordingly John Drummond and James Dunlop had written to the several Shires and Burghs given up to them as debitors, from most of which they never received any answer And such as returned answer did represent that these who were Commiſsioners of Supply or Collectors at the time when the debt was due were either dead altered or bankrupt and that after three years the shires were not oblidged to produce diſcharges conform to Act of Parliament The Commiſsion had been very tender in allowing the said John Drummond and James Dunlop to quarter upon the Shires and Burghs deficient that having been remitted principally to the Lords of the Thesaury But they represented to His Grace and the Parliament that tho by Law Heretors in Shires and Burghs are not oblidged to produce discharges after three years nor can be quartered upon after that time, yet the Collectors who received payment from the Heretors are alwayes lyable And the Commiſsion believed that this is the case of many Shires and Burghs of the Kingdom Wherefore the honourable Eſtates of Parliament might be pleased to consider how these reſts might be made effectual since according to the laſt report of the Commiſsion these appear to be very considerable As for the sums intrometted with by the said John Drummond and James Dunlop and uplifted since the laſt Seſsion of Parliament they were in an account produced with the said report And the Commiſsion had allowed them to retain the said sums extending to one thousand and six hundred pounds or thereby in their hands untill such time as a very considerable ballance owing them by the Government be paid; many of these very sums of reſts of Ceſs and Exciſe having been aſsigned to them by the Lords of Thesaury for their payment, And they Recommended to the Commiſsion by the Parliaments laſt Minuts of the twenty third of Auguſt as the said report of the Commiſsion also fullÿ bears And her Majesties said Commiſsioner and Eſtates of Parliament haveing considered the said petition with the report of the Commiſsion abovewritten relative thereto And that there are considerable sums resting to the petitioner They Recommended and hereby Recommend them to the Lords of her Majesties Thesaury to grant to the said petitioners power and Commiſsion to prosecute the Collectors and Tacksmen of the foresaid reſts of Ceſs and Excise for whatever may be resting in their hands And if need beis to prosecute their Cautioners and to apply what they shall so recover for their payment of what is owing to them they always being lyable to count and reckon to the said Lords of Thesaury for their intromiſsions Reserving to all concerned their lawful defences as accords.

ARTICLE of the Report of the Commiſsion relating to Captain John Slezer read, Petition for the said Captain alſo read And he recommended to the Lords of Thesaury in the terms of the deliverance of Parliament upon his petition and that part of the petition craving a sist of Personal Execution ordained to be seen and answered by his Creditors against the next Sederunt.

Recommendation to the Thesaury in favors of Captain John Slezer

HER Majesties High Commiſsioner and the Estates of Parliament having heard the Petition of Captain John Slezer Humbly Shewing unto them That the Petitioners Representation laſt Seſsion of Parliament having been remitted to the Commiſsion for enquiring into the public accounts, the petitioners several pretensions have been stated and examined before the Committee of the said Commiſsion And when the report thereof comes to be made to his Grace and the Parliament it will appear that there is due to the petitioner of personal clearance from anno I^{m} vj^{c} and nincty six to anno I^{m} vij^{c} the sum of Two hundred and sixty five pounds Sterling, Item of retention of cloathing due to him from July I^{m} vj^{c} and ninety eight to December I^{m} vij^{c} the sum of Three hundred and twenty six pound Sterling upon the faith of which the petitioner hath twice cloathed the artillery Company Item there

is due to him a ballance of one hundred and sixty six pounds Sterling for fitting out the train of artillery, It will likeways be found that by a mistake betwixt the Establishment and the petitioners Commiſsion there hath been four shilling Sterling per diem stopt off his current pay which ſtoppages extend to three hundred and thirty seven pounds Sterling, The Committee having likewayes examined the progreſs made by the petitioner in his *Scotia Illustrata* They find the same to be near finished and that he is six hundred and thirty pound Sterling out of pocket on this account having relyed on the faith of an act of Parliament which was past in his favors All which does appear more particularly by the Minuts of the foresaid Committee: In the mean time the petitioners circumstances are so hard that if not speedily relieved he must sink under them and be utterly ruined And Therefore Craving His Grace and the honourable Estates of Parliament to fall on some effectual method for relieving the petitioner from the foresaid publick engagement he lyes under And since the tunnage which the petitioner had formerly some share in is exhauſted or otherways appropriate that it might likeways please the honourable Estates of Parliament to appoint unto him out of the readieſt of any other sure fund what the Commiſsion of Parliament hath found due to him And in the mean time grant a siſt of all execution againſt his person that he may be in condition to attend his charge and her Majesties service untill the foresaid fund be made effectual to him as the said petition on the end whereof is written a copy of the after mentioned report of the Commiſsion and another copy of an atteſted double of the report of the Committee for trade, fully bears. And having also heard the Article of the report of the said Commiſsion of Parliament appointed for examining and stating the publick accounts relating to Captain John Slezer petitioner, Bearing that by the Minuts of Parliament dated the twenty fifth of Auguſt I^m^ vij^c^ and four It being Remitted to the Commiſsion to consider the Memorial given in by Mr Slezer; As to him they Represented to the Parliament that there is due to him for his arrears for cloathing money and other engagements for the publick One thousand and ninety pounds Sterling and likeways that upon the faith of an act of Parliament he has been at no leſs charges than Six hundred and thirty pounds Sterling upon his book *Scotia Illustrata* as will appear more particularly by the Minuts of their Committee dated the day of wherefore he depended upon the juſtice and clemency of the Parliament to aſsiſt him as the great ſtraits he is reduced to do require as the said report of the Commiſsion also fully bears And Her Majesties High Commiſsioner having fully considered the said petition and being therewith well and ripely advised They Recommended and hereby Recommend to the Lords Commiſsioners of her Majeſties Thesaury to cause pay the petitioner such a sum toward the satisfaction of his expences and arrears above mentioned and out of such funds of the publick money as they find juſt and ordained his Creditors to answer as to the siſt of execution demanded againſt the next ſitting of Parliament.

RATIFICATION in favors of Biſset of Leſsindrum Read and Approven in Parliament, and is as follows.

RATIFICATION in favors of Robert Biſset of Leſsindrum and Alexander Biſset his ſon of the Barony of Leſsindrum

OUR SOVERAIGN LADY with the special 46
advice and consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirms a Charter under her Majeſties great Seal proceeding on a ſignature of the date at Kensingtoun the twenty fourth day of June I^m^ vj^c^ and ninety eight years Granted by the deceaſt King William with consent of his Commiſsioners of the Thesaury and Exchequer for the time upon the resignation of Robert Biſset of Leſsindrum to and in favors of the said Robert in liferent and to Alexander Biſset his eldeſt lawful son and his other heirs male and of tailzie therein mentioned Which failzieing his heirs and aſsigneys whatsoever in fie heretably and irredeemably under the provisions reſtrictions reservations and irritancies therein spëi' Of all and haill the Lands and others underwritten to wit All and haill the lands and davach of lands of Leſsindrum containing the Toun and Lands particularly aftermentioned viz. The Toun and Lands called the Maines of Leſsendrum with the mannor place houses biggings yeards tofts crofts parts pendicles and pertinents of the same The Toun and Lands called the Overtoun of Leſsendrum the loan descending to the water of Divves with the priviledge of the said loan according to the poſseſsion of the Tennents and poſseſsors of the said lands of Overstoun And also all and haill the Lands called the Leys of Leſsindrum the Toun and Lands of Crichie The Toun and Lands of Knights mill with the mill thereof mill lands aſtricted multures sucken and knaveships of the same, together with all and sundry houses biggings yeards tofts crofts parts pendicles annexis connexis and pertinents of the foresaid davach of the said lands of Leſsendrum and particular Touns and Lands therein contained and above expreſt lying within the Barony of Drumblet and Sheriffdom of Aberdeen of old bounded and formerly united in a tenandry in manner mentioned in the said charter And sicklike of all and haill the Toun and Lands of the kirktoun of Drumblet with the mill thereof mill lands aſtricted multures and

knaveships of the same together with the houses biggings yeards tofts crofts parts pendicles and pertinents thereof Together also with the privilege of peet moſs and of caſting and winning of peets and fewall within the bounds of the middle third part of the lands of Camalege and transporting the same And also all and haill the superiority and property of the two part of the lands of Bogie's hill with the mills mill lands and pertinents of the same And likeways of the two part of the lands of Stanyfield And third part of the lands of Wedderburn And third part of the lands of Thomestoun tenents tenandries and service of free tenents with the pertinents whereof the property formerly belonged to William Troup of Balnacraig and now pertains to the said Robert Biſset lying within the said Barony of Drumblet and sherifdom of Aberdeen foresaid Of all which lands and others abovewritten the rights and securities granted to the said Robert Biſset and his foresaids and to their authors and predeceſsors are confirmed by the said Charter Which contains also a new gift or disposition of the said haill Lands and others above and therein mentioned with the privilege of keeping two yearly fairs at the said Kirktoun of Drumblet one thereof to begin upon the second Tuesday of May called Saint Agnes fair and the other on the second Tuesday of October called Saint Michaells fair Ordaining each of the said fairs to continue three days With power to the said Robert and his foresaids to uplift the tolls and customes thereof And an Disjunction of all the said Lands and others foresaid from all other Baronys to which they or any part thereof were formerly united With an Union and Erection of the samen haill Lands Touns Mills and others abovewritten with the pertinents and the said two yearly fairs in an haill and free Barony to be called in all time coming, The Barony of Leſsendrum Ordaining the mannour place of Leſsendrum to be the principal meſsuage thereof And one Seasine to be taken thereat or at any other part of the said Lands to be sufficient for the haill To be Holden of his Majeſty and his succeſsors in manner mentioned in the said Charter Whereby the waird nonentry and relief of the said Lands and Marriage of the heir or heirs one or moe when the samen shall fall are Given and Disponed with all the profites of the said marriages to the heirs male aſsigneys and succeſsors of the said Robert and Alexander Biſsets succeeding to them in the Lands Barony and others foresaid by virtue of the tailzie and substitution expreſt in the said Charter And it's ordained that whenever and as oft as the lands and others foresaid or any part of the same shall fall in ward and nonentry and that the relief and marriage of the heirs and succeſsors shall fall in the hands of his Majeſty or his succeſsors that then and as oft the said heirs male succeſsors and aſsigneys of the said Robert and Alexander Biſsets and their tenents for the time shall not only poſseſs the same during the haill space of the ward and nonentry with the haill profites thereof and the haill benefite of the relief and marriage but also it shall be lawfull to the heirs male and other succeſsors and aſsigneys of the said Robert and Alexander Biſsets to obtain themselves served retoured entered infeft and seased at any time of their age even tho in minority without any dispensation in the lands and others foresaid erected in manner abovementioned notwithstanding the same are holden ward, For payment yearly at two terms Whitsunday and Martinmaſs by equal portions of the sum of One hundred and ninty pounds Scots money for the ward and nonentry or any of them when they shall happen And of the like sum for the relief with the sum of Three hundred and eighty pounds for the said marriage or marriages of the heir or heirs when the samen respective shall happen to fall Which several sums His Majeſty with consent foresaid did by the said Charter Esteem reasonable for the values and profites of the said ward nonentry relief and marriage respective in manner fully expreſt by the said charter Together with the precept of Seasine therein contained and inſtrument of Seaſine following thereupon In all and sundry heads articles clauſes proviſions and conditions of the same And Her Majeſty with consent of the Eſtates of Parliament Wills and Grants and for her and her Royal ſucceſsors Statutes and Ordains That the foresaid Charter and Infeftment to follow thereon ſhall be good valid and ſufficient rights conform to the tenors of the same to the said Robert and Alexander Biſsets and the heirs male and other heirs succeſsors and aſsigneys mentioned in the foresaid Charter for poſseſsing and enjoying the Touns Lands and others particularly above and therein mentioned erected as is abovewritten without ſtop or impediment in so far as concerns the intereſt of her Majeſty or her succeſsors and that the same ſhall never be quarrelled by her or them in time coming And also that this present general Ratification is and shall be as effectual and sufficient to the said Robert and Alexander Biſsets and the heirs male and other heirs succeſsors and aſsigneys mentioned in the said Charter as if the Seasine thereon were already taken and as if the samen Charter and Seasine were word by word insert herein With the not inserting whereof and with all other objections that may be proponed againſt the validity of this present Ratification or rights hereby ratified Her Majeſty with consent foresaid hereby dispenses for ever.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Friday next at ten a clock.

SEPTEMBER XXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Acts touched with the Scepter]

THE following Acts viz. Act Discharging the importation of Engliſh Iriſh and forreign butter and cheese, Act for advancing the fishing trade in and about this Kingdom, Act appointing a Council of Trade, Act for a Treaty with England, Act for the Encouraging the Exportation of beef and pork, Act declaring Linen and Woollen manufactory free of duty at exportation, Act for the Supply, Act in favors of the Toun of Glasgow, and Act in favors of Miſtreſs Jean Ramsay, all touched with the Scepter by her Majeſties high Commiſsioner in the usual manner. Of all which Acts the tenors follow.

ACT Discharging the Importation of Engliſh Iriſh and Forreign Butter and Cheese.

47 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament strictly Prohibites and Discharges the importation to this Kingdom of all Engliſh Iriſh and forreign butter or cheese and the using imploying or consuming of any such butter or cheese to any purpose use or effect whatsoever within this Kingdom under the pain of five hundred merks money to be payed by the importer and fifty pounds by the user or imployer attour the confiscation of all such butter or cheese wherever the same can be seized or the value if the contravention be proven tho the butter or cheese be not seized The third part of the said fine and prohibite goods for the use of the fiscal of court where the delinquency is cognosced and the other two parts thereof to the discoverer Declaring all Judges and Magiſtrats competent in actions to be founded upon this Law Without prejudice nevertheleſs to any person whatsoever of importing Irish butter in order to the exporting thereof out of this Kingdom within eight months after importing allennarly under the penalty and certification abovementioned provided againſt importing or useing And for preventing the using or consuming of any such imported butter within this Kingdom It is hereby Statute and Ordained that all such butter as shall be imported in order to exportation be immediatly upon the landing thereof reported by the Importer to the Custome house and secured by the Collector of her Majesties cuſtomes at the port of landing under lock and key and so kept untill the exportation thereof furth of this Kingdom And if any such butter or any part thereof shall be transported from one port of this Kingdom to another In that case that the merchant owner ſhall give bond with sufficient Caution to the said Collectors to return Certificats from the Cuſtome House at the port of export that the said transported goods are so exported in the same condition and quantity in which they were imported under the penalty and certification abovementioned And that the verity of the said Certificats may be disproved by the oath of the owner or the respective Collectors certifieing such Collectors if they faill in the punctual observance of this Law. they shall be lyable to the penalty of importing toties quoties attour the loſs of their office upon their being convicted of such malversation And it is furder hereby Provided and Declared that the discoverer of such imported butter or cheese and Procurator fiscall foresaid shall be allways bound and obliged to export the foresaid butter or cheese seized and declared to belong to them in manner foresaid in the same manner and under the same certification as butter imported in order to export in manner abovementioned And it is hereby Declared that it is and shall be lawfull and allowable to any of her Majesties Leidges to inquire into the observance of this Law and to pursue the delinquents accordingly.

ACT for advancing and establishing the Fishing Trade in and about this Kingdom.

48 OUR SOVEREIGN LADY and the Eſtates of Parliament taking to consideration the great and many advantages that may arise to this Nation by encouraging the Salmond White and Herring fishings they being not only a natural and certain fund to advance the trade and increaſe the wealth thereof but also a true and ready way to breed seamen and set many poor and idle people to work And albeit there be several good acts already made to encourage and carry on that trade yet they are either in diſsuetude, defective, or do not answer the present circumstances, Therefore that so great and general a concern may take effect in time coming Her Majesty with advice and consent of the Eſtates of Parliament Authorizes and Impowers all her good subjects of this Kingdom to take buy and cure herring and white fish in all and sundry seas, channells, bays, firths, lochs, rivers, &c. of this her Majeſties ancient Kingdom and Islands thereto belonging wheresoever herring or white fish are or may be taken And for their greater conveniency to have the free use of all ports, harbours, shoars, fore-lands and others for bringing in, pickeling, drying, unloading and loading the same upon payment of the ordinary dues where harbours are built, that is such as are paid for ships, boats, and other goods, and Discharges all other exactions as a nights fiſhing in the week commonly called Satur-

day's fiſhing, top money, ſtallage, and the like, And for the better carrying on and advancing the said trade Her Majesty with consent foresaid Ordains and Enacts that all the barrells made use of by the said fiſhers shall be of the largeneſs goodneſs and quality and marked as is prescribed by the fifth Act of the fourth Seſsion of the firſt Parliament of William and Mary And that all the herring or white fiſh put into them shall be pined cured and packed from the bottom to the top with forreign salt allennarly, And further it is Ordained in manner foresaid that no salmond herring or white fiſh be shipped or transported from this Kingdom to forreign countrys but such as are made by the Subjects of this Kingdom & marked with the seal of the maker and merchant exporter thereof to the effect it may be known who has made the same And the Collectors and other officers of the customes are hereby Commanded to take and sease all salmon herring or white fish that shall be shipped in their several precincts for exportation unleſs made and marked as aforesaid And to prevent the Counterfitting of the foresaid marks Her Majesty with consent foresaid does Allow any Company society or single person to use and appropriat to themselves any particular mark to be used by them upon salmon herring or white fiſh by and attour the common mark and burn of the port from whence they are exported and to regiſter their taking and using such a mark in the publick regiſter at Edinburgh And her Majesty with advice and consent of the said Estates strictly Prohibites and Diſcharges all other companys societies or persons to aſsume or use the mark of any company society or person so registred Certifying such as do in the contrary they shall be lyable to the company society or person to whom the mark belongeth in the sum of five hundred merks toties quoties And it is hereby Declared that it shall be lawfull to the Sheriffs Baillies of Regalities and Magiſtrats of Burghs or any having Commiſsion from them not only to visite on all occasions the curing and packing of herring or white fiſh in their respective bounds but also to pitch upon any barrell after it is made up and marked and cause break open the same and raise the herrings if they think fit from the very bottom And in case they be not cured or packed as above ordained or that there be broken bruised spilt or not gutted herring or fiſh among them the said Sheriffs, Baillies Magiſtrats or others Commiſsioned by them after the same is clearly proven by experienced and famous witneſses are hereby ordained to secure the whole casks where the said insufficient herring or white fiſh shall be found And the persons to whom they belong shall pay for each laſt one hundred merks Scots the half to be given to the discoverer and the reſt to the poor of the paroch and proportionally for smaller quantities of such insufficient herring or white fiſh And the said insufficient herring or fish shall be diſcharged to be exported at any time thereafter And her Majeſty out of her Royal bounty hath Allowed and hereby Allowes to the Exporter of each laſt of white fiſh and herring taken any manner of way and exported out of this Kingdom a reward of ten pounds four shillings Scots money in the terms of the former Acts of Parliament And for each laſt of herring taken in buſhes and exported out of this Kingdom a reward of Eighteen pounds And for each laſt of red herring exported as said is a reward of Twenty four pounds either to be paid to the Exporter his heirs exers or aſsigneys by the next Collector of her Majeſties cuſtomes to the port from which the said herring or white fish are exported, or in the option of the merchant exporter that he have retention of the foresaid allowance or drawback in the first end of the custome and exciſe of the first forreign goods imported by him either in the ship that exported the herring or white fish or in any other ship the export being inſtructed in the terms of the twenty fourth Act of the Parliament Iˢᵗ vjᶜ· and ninety eight Certifying all Contraveeners that they shall be lyable to the penalties contained in that Act attour the loſs of their offices and their being incapable to be imployed in any office about the cuſtomes thereafter And further It is Statute and Ordained that the Execution provided by this Act for recovery of the drawback of herring shall be extended to the proprietars and exporters of salmond cured in manner abovementioned for the drawback appointed to be given on that account by the former Act made thereanent Moreover Her Majeſty for further encouragement to any who shall undertake the improvement of the herring and white fishing hereby with advice and consent foresaid Statutes and Declares that all forreigners or ſtranger fiſhers who shall be imployed by any of the foresaid particular persons or societies and reside in this Nation shall enjoy all the privileges of free born subjects during their said residence And also Statutes and Ordains that cordage, hemp, cork, pitch, tarr, plank, board, knaple, ſkows, hoops, dutch nets, and all other materialls to be imported for the trade of fiſhing shall be free of cuſtome or any other imposition whatsoever And that the herring or white fiſh taken cured and packed as aforesaid are and shall be free of any manner of duty or taxation to her Majesty on the exportation of the same And further Her Majesty with consent foresaid Ratifies and Approves all former Laws and Acts of Parliament made anent the slaying and deſtroying of red fish smolts and fry of salmon and hereby Requires and Commands the Judges therein mentioned to put these laws to due execution And for that effect to hold Courts twice a year at Paſch and Michaelmaſs yearly at the ordinary place of such Courts within the Jurisdiction And to fine the delinquents and exact the fines without abatement or puniſh the delinquents personally if insolvent Certifying such

Judges as shall faill to hold Courts and uplift the fines or puniſh delinquents as said is after their being required thereto personally under form of Inſtrument by any heretor or other person concerned they shall be lyable in the sum of five hundred merks toties quoties to belong to the person who shall pursue the Judge so failzieing or refusing to do justice in manner above expreſsed And it is hereby Declared that such proceſses as shall be commenced before the Lords of Seſsion for that effect shall be discuſsed summarly without abiding the course of the roll Impowering the said Lords to modify the expence of plea by and attour the penalty And sicklike the officers of the Independent Company and other officers of her Majesties forces are hereby Required to apprehend the persons of delinquents that may be either found guilty or declared fugitive and that upon the warrand or orders of the Judges ordinary for their serving as recruits conform to the thirty third Act of the Sixth Seſsion of King William's Parliament And also strictly Prohibites and Discharges all fishing of salmon from Saturday at twelve a clock at night to Sunday at twelve a clock at night And because all manner of salting of fish for Export with Scots salt is hereby discharged Therefore her Majesty with consent foresaid ſtrictly Prohibites and Discharges the Importation of all English and Irish salt from and after the first day of October next to come under the penalty of One thousand merks Scots money to be exacted from and paid by the seller importer and buyer toties quoties and confiscation of the ship bark and boat wherein it is imported And in case of importing the same upon horses confiscation both of horses and salt And the Carrier to be fined in twenty pounds Scots and punished in his person by twenty days imprisonment And any person having Commiſsion from the salt maſters or any of them is Impowered to seize the said salt ships barks boats or horses and to pursue the Contraveeners hereof before any Magiſtrat or Justice of Peace whatsoever who are hereby Impowered and Required to put the same to due execution Declaring that the one half of the said fines and seizures shall belong to the apprehenders and pursuers and the other half to the poor of the paroch where the transgreſsion is committed And Lastly her Majesty with advice and consent foresaid Ratifies & Approves all benefites privileges and immunities already granted by any Acts of Parliament in favors of the white herring and salmon fishing and all persons concerned therein.

ACT appointing a Council of Trade

49 OUR SOVEREIGN LADY considering that nothing can contribute more to the promoting and advancing of trade and the incouragement of all those who have erected or shall erect Manufactories within this Kingdom, than that there be a Council of Trade establiſhed Therefore Her Majesty with advice and consent of the Estates of Parliament Nominats Constitutes and Appoints the Marqueſs of Lothian the Earl of Mar the Earl of Buchan the Earl of Leven the Earl of Hyndford the Earl of Stair and the Earl of Hopetoun for the Nobility Sir Robert Dickson of Inueresk the Laird of Carnwath Sir John Swintoun the Laird of Jerviswood the Laird of Kilmarronock Sir Thomas Burnet of Leyes and James Moir of Stonywood for the Barons and Sir Patrick Johnstoun Hugh Montgomery Sir James Smollet Sir Alexander Ogilvie Mr John Clerk Mr Dougald Steuart and Sir Hugh Dalrymple for the Royal Burrows to be a Council of Trade and any seven of them to be a quorum With power to them or their quorum foresaid to inquire into and examine the present state and condition of the trade and commerce of this Nation how the same is managed and regulat and after the said inquiry and information is so taken to prepare such overtures and proposals as they shall judge most proper and convenient for the incouragement and advantage of Trade to be laid by them before the next Seſsion of Parliament With power also to them or their said quorum to take particular information and tryal anent the condition of the Manufactories of this nation and to take such measures as that the prohibitory Laws for encouraging thereof and the Laws against exporting of money and all other Laws relating to trade commerce and manufactories and preventing abuses therein may be put to due execution for hereafter Providing always that it shall not be leisum to them or their said quorum to stop the import or export of any goods that are at present in use to be entered in the Custome house upon any pretence whatsoever, And for that effect full power and warrand is hereby granted to them or their said quorum to cognosce upon determine and pronunce sentence againſt all the said transgreſsors for transgreſsions to be committed after this act of the said prohibitory Laws made for the encouragement of our own manufactories and againſt all exporters of money conform to the Laws and acts of Parliament made or to be made thereanent or to grant warrand for prosecuting the said transgreſsors before the Judge competent as they shall think fit As also with power to them and their quorum foresaid to choise their members of Court, except the Clerk who is to be named by the Lord Regiſter, and to hold Courts and to paſs sentences against the Contraveeners of the said Acts of Parliament and to cause put the said sentences to due execution and to puniſh the delinquents according to Law by fining confiscation or otherways And ordains letters of horning and other legal diligence to paſs upon their decreets and sentences as upon decreets of the Lords of Privy Council Lords of Seſsion or any other Judicatory And

with power to them to appoint a Collector for uplifting the fines and confiscat goods or prices and value thereof and other pains and penalties and to apply the same in the first place for defraying the charges and Expences of the said Council and paying the fies of their Clerk and other servants And Declaring hereby that this present Commiſsion shall continue and indure till the next Seſsion of Parliament inclusive and to be accountable to the Parliament for their actings and proceedings in the said matter And Her Majesty and Estates of Parliament do hereby strictly Require and Command all the Ministers and Officers of State Lords of Privy Council Thesaury and Exchequer Lords of Seſsion and other Judges and Ministers of the Law that from time to time they aſsist and concurr with the said Council of Trade as occasion requires that every thing contained in this Commission may be duly execute and made effectual according to the true intent and meaning of this act And that no advocations or suspensions shall paſs of the proceſses decreets and sentences of the said Council but by the Lords of Seſsion in preſence in time of Seſsion and three Lords met together in time of vacance And the first diet of the meeting of the said Council of Trade is hereby appointed to be at the laigh Council house of Edinburgh the first lawful day after this Seſsion of Parliament by ten a clock in the forenoon With power to adjourn their meetings thereafter to such times and places as they shall think convenient.

ACT for a Treaty with England.

50 THE Estates of Parliament considering with what earnestneſs the Queens Majesty has Recommended to them the settling of the succeſsion to the Imperial Crown of this her ancient Kingdom in the Protestant line failgieing heirs of her own body And also to enter into an Treaty with her Kingdom of England as the most effectual way for extinguiſhing the heats and differences that are unhappily raised betwixt the two Nations And in prosecution of her Majesties Royal and just purpose of having a Treaty set on foot betwixt her two independent Kingdoms of Scotland and England without which these things of great consequence betwixt them cannot be accomodat Therefore Her Majesty with advice and consent of the Estates of Parliament Doth Enact Statute and Ordain That such persons and quorum thereof as shall be nominat and appointed by her Majesty under the Great Seal of this Kingdom shall have full power and Commiſsion Likeas Her Majesty with advice and consent foresaid Doth hereby Give and Grant full Power Commiſsion and authority to the said persons and their quorum to conveen and meet at such time and times and in such place and places as her Majesty shall please to appoint to Treat and Consult with such Commiſsioners as shall be authorized by authority of the Parliament of England of and concerning an Union of the Kingdoms of Scotland and England and of and concerning such other matters clauses and things as upon mature deliberation of the greatest part of the said Commiſsioners aſsembled as aforesaid and the Commiſsioners to be authorized by authority of the Parliament of England according to the tenor of their Commiſsions in that behalf shall think neceſsary and convenient for the honour of her Majesty the common good and wellfare of both the said Realms for ever And the said Commiſsioners for both the said Kingdoms shall according to the tenor of their respective Commiſsions set down and reduce their proceedings in the said matter into three several Writings and Instruments each of them to be subscribed and sealed by the said Commiſsioners and their Quorum To the end that one of these Writings or Instruments may in all humility be presented to the Queens Majesty and another of the said Writings or Instruments to be offered to the Parliament of Scotland and the other of the said Writings or Instruments to be offered to the Parliament of England at their next Seſsions to be held in each Kingdom respective after such Writings or Instruments shall be subscribed and sealed by the said Commiſsioners That thereupon such furder proceedings may be had as by her Majesty and both the said Parliaments shall be thought fit and neceſsary for the well and common good of both the said Kingdoms To which Parliaments the intire consideration of the whole and the allowing or disallowing of the same or any part thereof as they shall think fit is wholly reserved And it is further provided that no matter or thing to be treated of proposed or agreed by the said Commiſsioners by virtue of this act shall be of any strength or effect whatsoever untill it be first confirmed and eſtablished by authority and an Act of the Parliament of Scotland Providing also that the said Commiſsioners shall not treat of or concerning any alteration of the Worſhip Discipline and Government of the Church of this Kingdom as now by Law eſtablished.

ACT for incouraging the Exportation of Beef and Pork

OUR SOVEREIGN LADY and Estates of Par- 51
liament considering that the Exportation of Beef and Pork may be beneficial to this Nation and that the right packing and curing will very much contribute to the improvement thereof doth hereby Statute and Ordain that all Beef and Pork to be salted for exportation be packed in barrells of at least eight gallons measure and be made and packed with forreign salt And that the barrel contain no leſs as two hundred pounds weight of well pyned

beef or pork And that the said beef and pork be well ſalted and pyned at leaſt eight days before it be put in the said barrell And that all the barrells be of equal goodneſs And that the pork may be the more sufficient It is hereby Statute and Ordained that no swine salted for exportation be under a year old, That no more heads of pork be put in one barrell but what belongs to the pork therein packed And that the barrells be made of good timber well tichted for which the Couper is to be answerable who is to put his name and mark upon them so as he may be discovered in case of any insufficiency in packing or salting And if it be found that the beef or pork was insufficient in the packing or curing then the Couper packer shall not only be lyable in the damnages but lose his freedom and be banished the Toun where he resides And that the merchant exporter of such insufficient beef or pork be lyable to the like penalties as are appointed by the Act of this Seſsion anent the right curing and packing of herrings And for advancing and improving the Exportation of Beef and Pork Her Majesty and Estates of Parliament Do Authorize and Command the Collectors Surveyers Farmers and Mannagers of the Cuſtomes at the ports from whence the same is exported to allow the merchant exporter Twenty shilling Scots of reward for each exported barrell thereof for sale And ordains all Magiſtrats of Burghs from whence beef or pork is exported not only to take the Couper's oath to be faithfull but likeways to cause them find caution for their fidelity to the value in ease they contraveen.

ACT Declaring Linnen and Woollen Manufacture free of duty at Exportation.

52 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Rescinds and Annulls the nineteenth Act of the fifth Seſsion of King William's Parliament imposing a duty on Scots Musline Camrick and Linnen and Statutes and Declares that in all time coming all Musline plain or stript Camrick and all sorts of Linnen under whatsoever name or designation and all Woollen manufacture of any kind or wherein there is any wool or flax manufactured within this Kingdom shall be free of all manner of duty or custome at exportation Discharging hereby all Collectors or others concerned in the cuſtomes to Exact any duty therefore after the date hereof under the pain of five hundred merks toties quoties And the Estates of Parliament Declare that whatever loſs her Majeſties cuſtomes shall suſtain by the discharge of the foresaid duty they will make up the same in the next Seſsion of Parliament Likeas Her Majeſty with advice and consent foresaid Rescinds and Annulls all other Laws and Acts of Parliament in so far as they are inconsiſtent with this Act.

ACT for a Supply of Seven Months Ceſs out of the Land Rent.

THE Estates of Parliament taking to their con- 53
sideration the dangers that still threaten this Kingdom by reason of the continuance of the present warr which visibly requires the keeping up of the standing forces and the supplies neceſsary for their maintainence and the repairing furniſhing and maintaining the forts and garriſons and outricking and maintaining the frigots imployed for defence of the coaſts Do therefore humbly and cheerfully for themselves and in name and behalf of this Kingdom whom they represent Make offer to her Majesty of the sum of four hundred thirty two thousand eight hundred pounds Scots money extending to Six months Ceſs being seventy two thousand one hundred and thirty three pounds six shilling eight pennies monthly Which new Supply is to be raised and uplifted out of the Land rent of this Kingdom in the same manner and conform to the proportion of the shires and Burrows contained in the sixth Act of the Parliament I^{m} vj^{c} and ninety years Providing always that the proportion of Burrows be rated and paid as their taxt roll now is or shall be settled by themselves And the said new Supply is to be paid at the terms following viz. The sum of one hundred and fourty four thousand two hundred sixty ſix pounds thirteen shilling and four pennies as two months Ceſs to be paid at the term of Martinmaſs next, the like sum of one hundred and fourty four thousand two hundred and sixty six pounds thirteen shilling and four pennies as other two moneths Ceſs at the term of Candlemaſs I^{m} vij^{c} and six and the like sum of one hundred and fourty four thousand two hundred and sixty six pounds thirteen shilling and four pennies as other two months Ceſs at the term of Lambmaſs I^{m} vij^{c} and six And her Majesty considering that this new ſupply is granted for such neceſsary uſes Doth with advice and consent of the Eſtates of Parliament Declare that no person nor persons shall be exempted from payment of their proportion thereof for their lands upon any pretence whatsoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there, for which mortified lands and lands of Newmills deduction is to be allowed in the quota's of the respective shires notwithstanding of any former Law or privilege in the contrare And Her Majesty with advice and consent foresaid Appoints the same persons who have been named in the second Seſsion of this current Parliament and are ſtill alive and have qualified themſelves according to Law or shall qualifie themselves betwixt and the first Tuesday of October next and such others as shall be contained in the liſts to be given in this Seſsion of Parliament being always qualified

as said is to be Commiſsioners for ordering and uplifting the said supply With power to chose their own Clerk and to do every other thing concerning the said supply as is prescribed and appointed by the foresaid acts and other acts to which they relate holding the same as herein repeated And ordains Execution to paſs for inbringing thereof as is provided by the said Acts in all points And ordains the first meeting of the said Commiſsioners of shires to be at the respective head burghs thereof the said first Tuesday of October next and Requires the Sheriffs and Steuarts or their deputes to intimat the same to the Commiſsioners of their Shires and Steuartries With power to the said Commiſsioners to appoint the subsequent diets of their meetings and their Conveeners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit And commits to her Majesties Privy Council upon the death or not acceptance of the Commiſsioners of Supply appointed by this Act to nominat and appoint others in their places And her Majesty with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Eſtates in relation to the inbringing of Ceſs and quartering and anent riding money to stand in full force as to the supply now imposed as if they were herein expreſsed and were observed before the making of this Act And it is hereby Declared that no person whither Heretor or Collector lyable in payment of the said supply shall be holden to produce their receipts or diſcharges of the same after three years from their respective terms of payment unleſs diligence be done therefore by denunciation within the said three years In which case of diligence by denunciation a year farder is only added to the said three years and none shall be holden to produce their receipts or diſcharges thereafter And further the said Eſtates do make offer to her Majesty of the sum of seventy two thousand one hundred and thirty three pounds six shilling and eight pennies as another months supply for payment of Four thousand eight hundred pounds to Mr James Anderson Writer to her Majeſties Signet and four thousand and eight hundred pounds to Mr James Hodges conform to a vote in this Seſsion of Parliament And also for payment of Two thousand four hundred pounds to William Bayne brother to the deceaſt James Bayne Wright in part of the sums due to the said James Bayne by the Government and the remainder of the said sum of seventy two thousand one hundred thirty three pounds six shilling and eight pennies for outricking her Majeſties ship the Royal William and keeping her out at sea Eight months and for maintaining two birlines to be kept upon the weſt coaſt for preventing the importation of Irish victual and other prohibited goods from Ireland Which months supply shall be paid at the term of Martinmaſs Imo vjc- and six And her Majesty with advice and consent foresaid Appoints the same to be proportioned and ingathered in like manner as the six months Ceſs is appointed and to be applyed to the uses foresaid And Declares the above sums granted to Mr James Hodges and the said William Bayne shall be no ways affectable by their Creditors And because by the supply hereby granted the Land rent and Burghs of this Kingdom are only burdened And it being reasonable that personal Eſtates in money should bear some proportional burden Therefore her Majesty with advice and consent foresaid Statutes and Ordains that every debitor owing money within this Kingdom at six per Cent. of intereſt shall in the payment of his annualrents have retention in his own hands of a twelvth part of six per Cent. and this retention to be from the term of Martinmaſs next to come to the term of Martinmaſs Imo vjc- and six And it is Declared that it shall be usury for any Creditor to refuse to grant the said retention And it is further Statute and Ordained that no part of the said supply be applyed to any other uses than these particularly above expreſsed upon any pretext whatsoever And particularly that the clearance and arrears due to the forces on the present establishment for the fourteen months from the first of August Imo vjc- and four to the first of October Imo vjc- and five be punctually paid to them during the currency of the said six months Ceſs.

ACT in favors of the Toun of Glasgow for an Imposition of two pennies on the pint of ale and beer

OUR SOVEREIGN LADY the Queens Majesty and the Estates of Parliament taking into their consideration that notwithstanding of a former act of Parliament made and paſt in favors of the Toun of Glasgow upon the fifteenth of June Imo vjc- and ninety three for the better payment of their debts and burthens their Majeſties King William and Queen Mary did thereby Grant and Dispone to the said Toun of Glasgow and Community thereof the imposition of two pennys Scots upon the pint of all Ale and bear to be vended and sold within the said Toun and liberties thereof Ordaining the same to be paid to the said Toun and Magiſtrats and Council thereof during such space of years as should please their said Majeſties to appoint not exceeding the number of thirteen years after the first of November the said year as the said act of Parliament of the date foresaid more fully bears And that in pursuance thereof the said King William by his letter directed to the Lords of Privy Council upon the twenty ninth of August Imo vjc- and ninety three years was pleased to Declare that it was his royal will and pleasure that the foresaid imposition should continue and indure to the said Toun the haill fore- 54

said space of thirteen years as if the samen had been therein absolutely set down; Yet nevertheleſs the said thirteen years whereof there remains only one year to run after the first of November next neither have been nor are like to be sufficient for payment of the said Touns debts and burdens and satisfying the end for which the gift thereof was granted which happened partly through the great quantity of the debt wherein the said Toun stood then engaged and partly through the payments wherewith the said gift was burdened as also by reason of many other incidents which both diminiſhed the said fund and the Touns other publick good and augmented the Touns charges and expences so that considerable sums were to be borrowed yearly for defraying what the Common good of the Toun was deficient in And Her Majesty and the Eſtates of Parliament being ſtill willing in respect of the loyalty and good affection of the said Burgh witneſsed on all occasions that the forsaid Toun of Glasgow be relieved and disburdened of it's debts for it's neceſsary support Therefore Her Majesty with advice and consent of the said Eſtates of Parliament doth hereby further Add Grant and Dispone to the said Toun of Glasgow and Community thereof And to the said Magiſtrats and Toun Council of the samen and their succeſsors in office for their use and behoove the said impoſition of two pennies Scots over and above the Queens annexed exciſe upon the pint of all ale and bear to be either brown or inbrought and vended topped and sold within the said Toun and liberties and suburbs thereof excepting all ale and beer that shall be browen and vended in the gorbells or any other Lands within the Touns privileges that pays excise with the shire Imposing and Ordaining the same to be paid to the said Toun and Magiſtrats and Council thereof by the Brewers Vintners Sellers or toppers of the said ale and beer during the space of Sixteen years beginning this new impoſition from the iſh and expiration of the said former imposition that is from and after the firſt day of November I^{m} vij^{c} and six and so furth to continue during the whole years and time hereby added and to be paid uplifted and gathered weekly monthly quarterly or otherways as the foresaid Magiſtrats and Toun Council shall think fit to prescribe and order Providing always Likeas it is hereby specially Provided that betwixt and the first day of November next the Magiſtrats & Toun Council of the said Burgh of Glasgow shall be holden and oblidged to make up a juſt and true liſt of the principal sums due by the said Toun of Glasgow preceeding the date hereof and of the bonds granted therefore and of the persons to whom the same is due and that they shall deliver one subscribed double of the said liſt to be recorded in the books of the merchants house of the said burgh and another subscribed double of the said liſt to be recorded in the books of the Trades house in order to the said respective houses their taking tryal of the extent verity and juſtneſs of the said debts in such manner and by such persons as they shall appoint for that effect And that how soon any advantage shall arise to the said Burgh by the above impoſition now granted in their favors that then and immediatly after expiration of each year thereof at leaſt betwixt and the firſt day of January after the said expiration the said Magiſtrats and Toun Council ſhall be holden and obliged to make payment and diſburden the said Toun of the principal sums following out of the firſt end of the debts contained in the above liſts viz. of the sum of Ten thousand merks yearly for the first five years of the said imposition And of the sum of Twelve thousand merks yearly for the next five years thereof And of the sum of Fourteen thousand merks yearly betwixt and the said firſt day of January after the expiration of each year during the remanent years of this grant and imposition And that the said Magiſtrats shall be holden and obliged to inſtruct the said payment and to retire and deliver bonds for the said respective sums to be yearly paid as aforesaid to the said two houſes againſt the first Tuesday of January yearly after expiration of every years collection of the said two pennies that the said bonds may be cancelled and deleted out of the above respective liſts of debts Beginning the firſt terms inſtruction of the said payment to the said houſes on the firſt Tuesday of January I^{m} vij^{c} and eight for the year preceeding November I^{m} vij^{c} and seven and so furth to continue during the haill space of the above act As also It is hereby Statute and Ordained that it ſhall not be lawfull for nor in the power of the Magiſtrats or Toun Council of Glasgow to contract any debts or to grant any bonds for affecting the said Burgh without consent of the said two houses had and obtained thereto by their act to be recorded in their respective books and that only for the sums contained in the liſt of debts recorded in the Regiſters of both houſes and that there shall be publick intimation given to the haill Merchants and trades of Glasgow whither members of the said respective houses or not to be present at the said Annual meeting upon the said firſt Tuesday of January yearly in order to their satisfaction anent the payment of the yearly sums above appointed And that it shall be leisum and lawfull to the said two houses or any person to be appointed by them or any other Burgeſs to pursue the Magiſtrats and Toun Council in the Case of their not observing of the above conditions who are hereby Declared lyable in repetition and payment of whatever part of the above respective sums appointed to be paid yearly as aforsaid shall be unpaid by them And Nominat and Appoint the Duke of Hamilton the Marqueſs of Montrose the Earl of Glasgow William Baillie of Lamingtoun Hugh Montgomery of Busbie John Graham

of Dougaldſtoun Colin Campbell of Woodside and John Walkinshaw of Burrowfield to be Overſeers of the ſaid new impoſition and management thereof three of the ſaid Overseers being always a quorum And it is hereby Declared that the ſaid Magiſtrats and Toun Council ſhall ferm and set in tack the ſaid impoſition by way of publick roup at ſight of the above overseers or any three of them not exceeding the ſpace of three years together As also it is hereby farder Declared that this Impoſition is granted with the burden of the payment to Mr James Anderson Writer to her Majesties Signet of the ſum of Three thouſand ſix hundred pounds Scots money to be paid in the firſt year of the ſaid impoſition for inabling him to print and carry on an account of the ancient Charters and Seals of the Kingdom before King James the First according to the characters in the original Writs.

ACT in favors of Mistreſs Jean Ramsay.

55 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament considering the great and eminent services done by Lieutenent General George Ramsay to her Majesty and this Kingdom And that there were considerable sums of arrears due to him at his deceaſe As alſo that he did engage his own credit and eſtate on the account of the cloathing of the Regiment of guards And that the not payment of the ſaid arrears ingaged him in other debts for his own subsiſtance according to his rank and quality the annualrents of which debts with the annualrents of the debts contracted for the cloathing having run on and increasing dayly may in all probability exhauſt his privat eſtate Therefore the Eſtates of Parliament do humbly make offer to Her Majesty of one months ceſs to be uplifted furth of the Land rent at the four terms respective aftermentioned by equal portions viz. At the term of Candlemaſs Im vijc. and seven and at Candlemaſs Im vijc. and eight and at Candlemaſs Im vijc. and nine and at the term of Candlemaſs Im vijc. and ten years in the same manner and conform to the same rules as are set down in the Act of Supply granted to her Majesty in this Seſsion of Parliament And that towards the payment of the cloathing of the Regiment of guards preceeding the year Im and vijc. in the first place and the remainder thereof towards the payment of the other arrears of the ſaid Lieutenent General George Ramsay And Her Majesty with advice and consent foresaid Ordains the ſaid ceſs to be uplifted ingathered and appropriat to the ſaid uſes accordingly.

ACT Salvo Jure Cujuslibet read voted and approven and touched with the ſcepter by her Majesties high Commiſsioner, Of which act the tenor follows.

ACT Salvo Jure Cujuslibet.

OUR SOVEREIGN LADY taking to consider- 56
ation that there are several Acts of Ratifications and others made and paſt in this Seſsion of Parliament in favors of particular persons without calling or hearing of such as may be thereby concerned or prejudged Therefore Her Majesty with the advice and consent of the Eſtates of Parliament Statutes and Ordains that all such particular Acts and Acts of Ratifications paſt in manner foresaid ſhall not prejudge any third party of their lawful rights nor of their actions and defences competent thereupon before the making of the ſaid particular Acts and Acts of Ratification And that the Lords of Seſsion and all other Judges of this Kingdom shall be oblidged to judge betwixt parties according to their several rights ſtanding in their persons before the making of the ſaid Acts All which are hereby expounded and declared to have been made Salvo Jure Cujuslibet.

THEREAFTER His Grace My Lord High Commiſsioner made a speech to the Parliament. [Commiſsioners Speech]

THE Queen's Majesty Declares this Parliament current and Adjourns the same to the twentieth day of December next, Ordaining all Members of Parliament, Noblemen, Commiſsioners from Shires and Burghs and all others having intereſt to attend at Edinburgh that day at ten a clock, And that there be no new Elections in Shires or Burghs except upon the death of any of the present Commiſsioners. Act of Adjournment.

Apud Edinburgh,

III DIE OCTOBRIS, A. D. M,DCC,VI.

THE LAWS and ACTS of Parliament of our most High and Dread Sovereign ANNE by the Grace of God, Queen of SCOTLAND, ENGLAND, FRANCE and IRELAND, Defender of the Faith, Holden and begun at Edinburgh the third day of October One thousand seven hundred and six years By His Grace James Duke of Queensberry, Marqueſs of Dumfriesshire Earl of Drumlangrig and Sanquhar Viscount of Nith Torthorwald and Roſs, Lord Douglaſs of Kinmount Middlebie and Dornock &c. Lord Privy Seal of the Kingdom of Scotland, One of the Lords of her Majesties most honourable Privy Council Thesaury and Exchequer, An Extraordinary Lord of Seſsion and Knight of the moſt Noble Order of the Garter Her Majesties high Commiſsioner for holding the same By virtue of a Commiſsion under the great Seal of this Kingdom.

WITH the special advice and consent of the Eſtates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOUR

The Marqueſs of Montrose Lord President of the Secret Council

DUKES of

Hamilton
Argyll
Atholl

MARQUESSES of

Tweeddale
Lothian
Annandale

EARLS of

Mar Lord Secretary
Loudoun Lord Secretary
Crauford
Erroll
Mariſchall
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Eglintoun
Caithneſs
Wigtoun
Strathmore
Abercorn
Roxburgh
Hadinton
Galloway
Lauderdale
Wemyſs
Dalhouſsie
Findlater
Leven
Selkirk
Northeſk
Kincardin
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndford
Cromarty
Stair
Roseberry
Glasgow Thes^r dep^t.
Bute
Hopetoun
Delorain
Ilay

VISCOUNTS of

Stormont
Kilsyth
Duplin
Garnock

LORDS

Forbes
Saltoun
Gray
Semple
Elphinston
Oliphant
Roſs
Torphichen
Balmerinoch
Blantyre
Cranstoun
Fraser
Bargany
Banf
Elibank
Belhaven
Duffus
Rollo
Colvill
Bellenden
Kinnaird

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Lords Register
Advocat
Justice Clerk

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George Lockhart of Carnwath
Sir James Foulis of Colintoun

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Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirletoun
John Cockburn yor of Ormistoun

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Sir Robert Sinclair of Longformacus
Sir John Swintoun of that Ilk
Sir Patrick Home of Rentoun
Sir Alexander Campbell of Cesnock

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Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglaſs of Cavers
William Bennet of Grubbet

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Mr John Murray of Bowhill
Mr John Pringle of Hayning

Peebles
William Morison of Prestongrange
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Lanerk
William Baillie of Lamingtoun
George Baillie of Jerviswood
John Sinclair yor of Stevenstoun
James Hamilton of Aikenhead

Dumfreis
Sir John Johnstoun of Westerhall
William Douglaſs of Dornock
John Sharp of Hoddam
Mr Alexander Ferguſon of Isle

Wigtoun
Mr William Steuart of Castlestuart
Mr John Steuart of Sorbie

Air
Mr Francis Montgomrie of Giffin
Mr William Dalrymple of Glenmure
Sir Hugh Cathcart of Carletoun
John Birsbane yor of Biſhoptoun

Dumbartane
Mr Wm Cochrane of Kilmaronock
Sir Humphray Colquhoun of Luſs

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John Steuart of Kinquinlick

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James Graham of Buchlivie
Robert Rollo of Powhouse

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Thomas Sharp of Houstoun
Mr John Montgomery of Wrae

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John Haldan of Gleneagles
Sir Patrick Murray of Ochtertyre
Mungo Graham of Gorthie
John Murray of Strowan

Kincardin
Sir Thomas Burnet of Leyes
Sir David Ramsay of Balmain

Aberdeen
Alexander Gordon of Pitlurg
John Udney of that Ilk
William Seton younger of Pitmedden
James Moir of Stonywood

Inverneſs
Alexander Grant yor of that Ilk

Nairn
Hugh Roſs of Kilravock
John Forbes of Culloden

Cromarty
Sir Kenneth Mackenzie
Mr Æneas Mackleod of Cadboill

Argyll
Mr John Campbel of Mammore
Sir James Campbel of Auchinbreck
James Campbel yor of Arkinglaſs

Fyfe
Sir William Anstruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboug
Mr Thomas Hope of Rankeillor

Forfar
Mr Patrick Lyon of Auchterhouse
Mr James Carnegy of Phinhaven
James Halyburton of Pitcurr
David Graham yor of Fintrie

Bamf
James Ogilvie yor of Boynd
Alexander Abercrombie of Glaſsoch

Stewartry of Kirkcudbright
William Maxwell of Cardineſs
Alexander Mackie of Palgoun

Sutherland

Caithneſs
James Sinclair of Stemster
Mr James Dunbar yor of Hempriggs

Elgine
Sir Henry Innes yor of that Ilk

Stewartry of Orkney
Alexander Douglaſs of Egilshay

Clackmanan
Mr Alex^r Abercrombie of Tullibody
Roſs
Mr George Mackenzie of Inchculter
Kinroſs
John Bruce of Kinroſs

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Inverbervy	Mr Alexander Maitland
Stranrawer	Mr George Dalrymple
Campbeltoun	Mr Charles Campbell

PRAYERS said.

HER Majesties Commiſsion to his Grace James Duke of Queensberry for representing Her Royal person in this Seſsion of Parliament read by the Lord Clerk Register, and ordered to be recorded, Whereof the tenor followeth.

Commiſsion to James Duke of Queensberry for representing Her Majesty in this Seſsion of Parliament

ANNA dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos ob insignes et magni momenti rationes quartam Seſsionem currentis nostri Parliamenti antiqui Regni nostri Scotiæ apud Edinburgum vigesimo nono die mensis Augusti datam præsentium immediate sequentis convenire et sedere ordinavimus Et rerum nostrarum neceſsitatibus nos alio vocantibus dicti Parliamenti conventui intereſse nequimus Ideoq; Commiſsionem noſtram cuidam personæ eminentiſsimi ordinis ac fide eximia et præclaris animi dotibus imbuto sacram nostram personam representandi et regalem noſtram authoritatem in eodem gerendi concedere decrevimus, Et satis compertam habentes fidem intaminatam insignes facultates et experientiam fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberry nostri Secreti Sigilli Cuſtodis et unius Commiſsionariorum nostri Thesaurarii in dicto Regno per illius fidelem functionem variorum munerum supremorum illi commiſsorum speciatim vero tanquam Commiſsionarii nostram sacram personam perprius representantis Unde usquequaquam sit inſtructus pro eodem summo munere exercendo ac piis et Regiis nostris propositis prosequendis tam in promovendo commodo et intereſse dicti nostri antiqui regni et in ecclesia et in republica quam miniſterio nostro Noveritis Igitur Nos Dediſse et Conceſsiſse perq; præsentes hasce literas Damus et Concedimus præ-

dicto fideliſsimo et dilectiſsimo nostro Consanguineo et Conciliario Jacobo Duci de Queensberry plenam potestatem et Commiſsionem sacram noſtram personam representandi et regalem nostram authoritatem in sequenti quarta seſsione prædicti currentis noſtri Parliamenti dicti Regni gerendi Et in re quavis alia ubicunq, de Ecclesiæ commodo firmando pace et politia dicti Regni noſtra propaganda et servitio nostro promovendo tractandum fuerit in universis ejusdem adminiſtrationibus tanquam supremo nostro Commiſsionario Dando et Concedendo dicto Jacobo Duci de Queensberry plenam poteſtatem et authoritatem noſtram omnia et singula ad munus et imperium summi Commiſsionarii spectantia faciendi et peragendi tam plene adeoq, libere quoad omnes effectus et conditiones quam quilibet alius ejusdem summi muneris et characteris regnantibus quibuscunq, nostrorum sereniſsimorum deceſsorum unquam fecerat seu facere potuerat Quæquidem omnia et singula in hac dicta Commiſsione prosequenda ab ipso facienda Nos firma et rata habemus et habituri sumus Omnibus et singulis Insuper Status nostri officialibus iisq, qui nobis ab intimis Conciliis Judicibus et officiariis nostrarum copiarum cæterisq, quibuscunq, subditis dicti Regni nostri stricte Mandamus et Imperamus ut præfatum Jacobum Ducem de Queensberry tanquam supremum nostrum Commiſsionarium sacram noſtram personam representantem et regalem noſtram authoritatem gerentem agnoscant ipsiq, reverentiam et obsequium præbeant ad effectum et secundum normam in hac nostra Commiſsione præscriptam Quæquidem hæc Commiſsio a die et data præsentium et durante antedicta quarta Seſsione Parliamenti noſtri in vigore durabit et usq, dum nobis placuerit eandem revocare Et Declaramus hanc præsentem noſtram Commiſsionem nullo modo prejudicare cuivis alio diplomati seu Commiſsioni dicti Jacobi Ducis de Queensberry in quovis alio munere sibi a Nobis commiſso sed eadem durante continuatione et post expirationem præsentis Commiſsionis in vigore durare durante nostro beneplacito modo in iisdem diversis diplomatibus et Commiſsionibus specificato In cujus rei Testimonium præsentibus magnum sigillum nostrum appendi mandavimus Apud Aulam noſtram de Windsoir Caſtle trigesimo primo die mensis Julii Anno Domini millesimo septingentesimo sexto et anno Regni noſtri quinto. Per signaturam manu S. D. N. Reginæ suprascriptam Written to the Great Seal and registrat the day of September I^(m) vij^c and six years. Sealed at Edinburgh

ROLLS called.

Protestations for precedency

THE Earl of Mortoun Proteſted againſt the calling of any Earl before him.

THE Earl of Findlater Proteſted againſt the calling the Earl of Airlie before him.

THE Earl of Mortoun Proteſted in name of the Duke of Douglaſs that the calling of any others in the rolls of Parliament before him may not prejudge him of the first vote in Parliament.

THE Earl of Leven Proteſted againſt the calling the Earl of Callender before him.

THE Lord Roſs Proteſted ag^t the calling in the Rolls Sir Alexander Bruce as Earl of Kincardine in respect of a Petition in the Clerks hands for Lady Mary Bruce and her husband claiming right to that rank and dignity.

HER Majesties Gift and Commiſsion in favors of James Marqueſs of Montrose to be President of Her most honourable Privy Council read and ordered to be recorded, whereof the tenor follows.

Commiſsion and Gift of the Office of President of the Privy Council to the Marqueſs of Montrose

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq, defensor Omnibus probis hominibus ad quos præsentes literæ noſtræ pervenerint Salutem Quandoquidem nobis abunde satisfactum sit de facultatibus fidelitate aliisq, præclaris animî dotibus fideliſsimi et dilectiſsimi nostri Consanguinei et Conciliarii Jacobi Marchionis de Montrose quibus pro officio præsidis secreti nostri Concilii antiqui Regni noſtri Scotiæ fungendo usquequaq, sit instructus Noveritis Igitur Nos nominaſse feciſse constituiſse et ordinaſse sicuti nos tenore præsentium nominamus facimus constituimus et ordinamus eundem Jacobum Marchionem de Montrose Præſidem secreti nostri Concilii prædicti Regni durante noſtro beneplacito solummodo cum plenaria poteſtate illi dicto officio et munere fruendi gaudendi utendi et exercendi cum universis honoribus dignitatibus privilegiis immunitatibus et casualitatibus quibuscunq, eo spectantibus atq, itidem tenore præsentium præfatum Jacobum Marchionem de Montrose tanquam præsidem noſtri Concilii antedict locum et præcedentiam proximam Thesaurario noſtro soli et principali dicti Regni et immediate poſt locum illum præcedentiæ quem Thesaurarius principalis pro tempore perprius retinebat seu retinere debuit omnibus locis et temporibus durante spatio antedicto habere ordinamus In cujus rei testimonium præsentibus magnum sigillum noſtrum appendi mandavimus Apud aulam noſtram de Kensingtoun vigesimo octavo die mensis Februarii Anno Domini millesimo septingenteſimo sexto Et anno Regni noſtri quarto. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great Seal and regiſtrat the nineteenth day of March I^(m) vij^c and six years. Sealed at Edinburgh

HER Majesties Gift and Commiſsion in favors of John Earl of Mar to be one of the Principal Secre-

taries of State for this Kingdom read and ordered to be recorded Whereof the tenor follows.

Commiſsion and Gift of the office of One of the Principal Secretaries of State to the Earl of Mar

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ noſtræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus status secretariis pro antiquo Regno noſtro Scotiæ vacare per promotionem fideliſsimi et dilectiſsimi noſtri Consanguinei et Conciliarii Gulielmi Marchionis de Annandale ad officium præsidis secreti nostri Concilii ejusdem Regni Et nihil magis in miniſterii noſtri et regnorum noſtrorum commodum conducere poſse quam ut probatæ integritatis et fidelitatis viri principales coronæ noſtræ miniſtri speciatim vero ſtatus noſtri secretarii conſtituantur quibus specialem habere poterimus fidem tam quoad authoritatem nostram quam subditorum nostrorum commodum Nosq; etiam abunde satisfactæ de fidelitate integritate aliisq; perpulchris facultatibus fideliſsimi et dilectiſsimi noſtri Consanguinei et Conciliarii Joannis Comitis de Mar quibus ad munus et officium unius ex principalibus status noſtri Secretariis pro dicto Regno obeundum uſquequaq; ſit inſtructus Ob prædictas itaq; et multas alias magni momenti rationes et considerationes noveritis nos nominaſse feciſse conſtituiſse et ordinaſse sicuti nos tenore præsentium nominamus facimus constituimus et ordinamus eundem Joannem Comitem de Mar unum ex duobus status noſtri secretariis nobis pro dicto Regno durañ noſtro beneplacito solummodo et donec præſentes a nobis scripto revocentur, coprincipalem et conjunctum cum fideliſsimo et dilectiſsimo noſtro Consanguineo et Conciliario Hugone Comite de Loudoun altero pro dicto Regno status secretario Damus pariter et Concedimus sicuti Nos tenore præsentium Damus et Concedimus durañ spatio antedicto ipsi dicť Joanni Comiti de Mar, locum munus et officium unius ex duobus principalibus conjunctis status noſtri secretariis antedictis Cum juſta et equali dimidio omnium honorariorum proficuorum emolumentorum caſualitatum libertatum dignitatum & immunitatum quæ ad dicť munus locum et officium perprius pertinebant seu pertinere poterant Una cum annua pensione mille librarum monetæ Sterlinenſis secundum donationem ejusď per Nos ipsi conceſsam datam cum præsentibus Cum plena potestate illi utendi exercendi et fruendi dicť munere loco et officio Et specialiter scribendi subscribendi et nobis offerendi omnes donationes cautiones et signaturas quascunq; Regali noſtra manu muniendas et interponendi et recipiendi juſtum et equale dimidium omnium honorariorum præmiorum et caſualitatum eo spectañ atq; etiam equalem habendi poteſtatem et privilegium cum dicto Hugone Comite de Loudoun altero nostro status secretario pro dicť regno recipiendi interponendi et conservandi omnia signeta dicti Regni et applicandi equale dimidium beneficiorum et emolumentorum inde provenientium in privatos suos uſus et commodum Ac etiam potestatem deputatos et cuſtodes dicť nostrorum signetorum conſtituendi et admittendi et adsciſsendi omnes Clericos et signeto nostro Scribas cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine tribuendi ipsis Commiſsiones quibus muniti fungi poſsint et frui iis muneribus ad vitam Idq; quoties contigerit dicť munia quocunq; caſu eſse vacua et recipiendi compoſitionum et commodorum dimidium ex admiſsione dicť Clericorum provenieñ ac ea ad privatos accomodandi usus In cujus rei teſtimonium præsentibus magnum sigillum nostrum appendi mandavimus Apud aulam noſtram de Windsoir caſtle vigesimo nono die mensis Septembris anno Domini millesimo septingentesimo quinto et anno Regni noſtri quarto. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great Seal and regiſtrat the fourth day of October I^m vij^c and five years Sic subscribitur Charles Kerr. Seal. ed at Edinburgh the fourth day of October one thousand seven hundred and five years. Sic subscribitur Alex^r Ogilvie.

Some members admitted

THE Earl of Abercorn swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

PATENT Creating Lord Henry Scot Earl of De Loraine read and ordered to be recorded whereupon he swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament; the tenor of which Patent followeth.

The Earl of De Loraine's Patent

ANNA dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos præsentes literæ noſtræ pervenerint Salutem Quandoquidem Nos Regio noſtro animo perpendentes præclara et fidelia admodum servitia per fideliſsimum et dilectiſsimum noſtrum Dominum Henricum Scot filium confisæ et prædilectæ noſtræ Consanguineæ Annæ Duciſsæ de Buccleugh præſtita atq; zelum ejus et affectum erga noſtram perſonam et Regimen per eum omnibus occasionibus expreſsum. Ob haſce igitur et perplurimas alias magni momenti causas et considerationes quendam Regii noſtri favoris insignem et durabilem characterem in eundem Dominum Henricum Scot ejusq; heredes subtusmentionatos conferre benigne statuimus Quo vero ille illiq; majoris momenti officia ex omni occaſione nobis nostrisq; succeſsoribus præstare in futurum magis animentur et excitentur Noveritis Igitur Nos Feciſse Conſtituiſse et Creaſse Sicuti tenore præsentium Facimus Conferimus Conſtituimus et Creamus dicť Dominum Henricum Scot Comitem Vicecomitem

et liberum Parliamenti Dominum in antiquo regno noſtro Scotiæ Comitem de De Loraine Vicecomitem de Hermitage et Dominum Goldilands omni tempore futuro appellandum et designandum Dando Concedendo et conferendo in præfat̃ Dominum Henricum Scot et heredes maſculos de suo corpore legitime procreand̃ titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parliamenti Domini ut prædicitur cum plena potestate commiſsione et authoritate illi ejusq; prædict̃ eodem poſsidendi et gaudendi Cum omnibus et singulis prærogativis præeminentiis præcedentiis et privilegiis eo attineñ quibuscum tenore præsentium eundem Dominum Henricum Scot ejusq; prædict̃ speciatim vero cum libero suffragio parliamenti Investimus et nobilitamus Tenendum prædict̃ titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parliamenti Domini cum omnibus prærogativis præcedentiis et privilegiis eo spectañ per dictum Dominum Henricum Scot ejusq; prædict̃ de nobis nostrisq; Regiis succeſsoribus in omnibus Parliamentis ordinum conventibus conciliis generalibus aliisq; publicis et privatis congreſsibus in dicto Regno tam plenarie adeoq; libere in quovis respectu ac quivis alius Comes Vicecomes ac liber parliamenti Dominus simili titulo honore et dignitate cum omnibus privilegiis aliisq; eo spectañ perprius gavisus est seu quovis tempore præterito præsenti vel futuro potiri poterit Leoni porro armorum Regi ejusq; fratribus fœcialibus Imperamus ut præfato Domino Henrico Scot nunc Comiti de De Loraine talia prioribus insigniis ejus gentiliciis additamenta qualia hac occaſione convenientia et apta videbuntur dent et præſcribant Declarando et ordinando haſce noſtras patentes literas magno noſtro ſigillo munitas adeo validas et efficaces fore dicto Domino Henrico Scot ejusq; antedict̃ pro poſsidendo prædict̃ titulo honore et dignitate ac si ille ejusq; prædict̃ omnibus ritibus et solennitatibus similibus occaſionibus perprius usitat̃ investit̃ et inaugurat̃ eſsent Quocirca Dispensavimus perq; præsentes in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnum sigillum nostrum appendi præcepimus Apud Aulam nostram caſtri de Windsoir Vigesimo noño die mensis Martii anno Domini millesimo septingentesimo sexto, et anno regni noſtri quinto. Per signaturam manu S. D. N. Reginæ suprascriptam. Written to the great Seal and registrat
Sealed at Edinburgh

Some Members admitted.

THE Viscount of Kilsyth swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

The Lord Banff signes the formula, &c.

MOVED That the Lord Banff who was sometime Papiſt being now Proteſtant and willing to signe the formula subjoyned to the act of Parliament in November I^mo vij^c^ for preventing the growth of Popery may be admitted and accordingly he having taken and signed the formula he thereafter swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

SIR Alexander Campbell of Ceſsnock Commiſsioner for the shire of Berwick in place of Sir John Home of Blackadder deceaſt and Sir Archbald Hope of Rankeillor Commiſsioner for the shire of Fyfe in place of Robert Douglaſs of Strahendrie deceaſt both swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

Mr Patrick Moncrief of Reidie Commiſsioner for the Burgh of Kinghorn in place of Mr James Melvill deceaſt swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

[Lady Mary Bruce ag^t^ Sir Alex^r^ Bruce]

PETITION Lady Mary Bruce and William Coclıran younger of Ochiltree her husband for his intereſt againſt admitting of Sir Alexander Bruce to sit in Parliament, in the rank and dignity of Earl of Kincardin read, Sir Alex^r^ Bruce in answer to the said Petition Craved that the Patent in favors of Earl Edward Bruce of Kincardin might be also read Which being accordingly read after some debate upon the case it was put to the vote Hear the parties further upon the matter, or Admit Sir Alexander, and it carried Hear, and the next Sederunt appointed for a hearing.

HER Majeſties Letter to the Parliament presented by her Majesties high Commiſsioner was read firſt by the Lord Clerk Regiſter and thereafter read again by one of the ordinary Clerks, Of which letter the tenor follows.

Sic suprascribitur ANNE R.

My Lords and Gentlemen

Her Majesties Letter to the Parliament

SINCE your last meeting We did nominate Commiſsioners to treat of an Union betwixt our two Kingdoms of Scotland and England, and by their great care and diligence a Treaty is happily concluded and laid before us.

WE have called you together as soon as Our affairs could permit, that the Treaty may be under your consideration, in pursuance of the act made in the laſt Seſsion of our Parliament there, and we hope the terms will be acceptable to you.

THE Union has been long desired by both Nations and We shall esteem it as the greatest glory of Our Reign to have it now perfected, being fully perswaded that it must prove the greateſt happineſs of our People.

AN entire and perfect Union will be the solid foundation of lafting Peace It will secure your Religion Liberty and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt Our two Kingdoms; It muſt increase your Strength Riches and Trade, and by this Union the whole Island being joyned in affection, and free from all apprehension of different Intereſts, will be enabled to resist all it's Enemies Support the Proteſtant Intereſt every where and maintain the Liberties of Europe.

WE do upon this occasion renew the aſsurances We have formerly given you of our Resolution to maintain the government of the Church as by Law eſtabliſhed in Scotland, and the Acts of both Parliaments upon which this Treaty proceeded having reserved their respective Governments of the Church in each Kingdom; The Commiſsioners have left that matter entire, And you have now an opportunity for doing what may be neceſsary for security of your present Church government after the Union within the Limits of Scotland.

THE support of our Government and your own safety do's require, That you do make neceſsary proviſion for maintaining the Forces Ships & Garisons untill the Parliament of Great Britain shall provide for these ends in the United Kingdom.

WE have made choice of Our Right Truſty and Right entirely beloved Cousin and Councillor James Duke of Queensberry to be Our Commiſsioner and Represent our Royal person, being well satisfied with his fitneſs for that truſt from the experience We have of his capacity, zeal and fidelity to our service and the good of his Country, which as it has determined Us in the choice We doubt not but will make him acceptable to you.

WE have fully Inſtructed him in all things We think may fall under your consideration, and seems to be neceſsary at present, Therefore We deſire that you may give entire Truſt and Credit to him.

My Lords and Gentlemen

IT cannot but be an Encouragement to you to finiſh the Union at this time that God Almighty has bleſsed Our Arms and those of our Allies with so great succeſs, which gives us the nearer prospect of a happy Peace, and with it you will have the full poſseſsion of all the advantages of this Union, and you have no reason to doubt, but the Parliament of England will do what is neceſsary on their part, after the readineſs they have shown to remove what might obstruct the entering on the Treaty, We most earnestly recommend to you calmneſs and unanimity in this great & weighty affair, that the Union may be brought to a happy conclusion, being the only effectual way to secure your present and future happineſs and to disappoint the designs of our and your Enemies, who will doubtleſs on this occaſion, use their utmoſt endeavours to prevent, or delay this Union, which muſt so much contribute to Our glory and the happineſs of our People, and so we bid you heartily farewell Given at our Court at Windsor Caſtle the 31st day of July and of Our Reign the fifth year.

By her Majestys Command

Sic subscribitur MAR.

The foresaid letter is directed thus To the Noblemen, and to the Barons Commiſsioners for Shires, and to the Commiſsioners for Burroughs aſsembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties high Commiſsioner made his speech to the Parliament As also My Lord Chancellour made his speech. And her Majesty's letter and the said speeches were ordered to be printed. [Queens Letter & Commiſsioners & Chancellors Speeches to be printed]

ARTICLES of Union agreed on by the Commiſsioners nominat on behalf of the Kingdom of Scotland and the Commiſsioners nominat on behalf of the Kingdom of England presented and read, and ordered to be printed and copies to be delivered to the members of Parliament. [Articles of Union]

THEREAFTER ordered that the Minuts of the proceedings of the Commiſsioners of both Nations for the treaty of Union be likewayes printed. [Minutes of the Commiſsioners for the Union to be printed]

THEN my Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next the tenth inſtant at ten of the clock in the forenoon.

OCTOBER X, M,DCC,VI.

PRAYERS said Rolls called.

THE Earl of Sutherland Protested againſt the calling any Earl before him in the Rolls of Parliament. The Earl of Sutherlands Protestation for precedency.

ALEXANDER Abercrombie of Glaſsoch Commiſsioner for the Shire of Bamf in place of Alexander Duff of Braco deceaſt swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament. Glaſsoch admitted

MINUTS of the laſt Sederunt read.

ACT for settling the orders of the Parliament house read, and copies thereof ordained to be affixt on the doors and other places according to cuſtome. [Orders of the House]

Earl of Kincardin admitted

THE case Lady Mary Bruce and her husband for his intereſt againſt Sir Alexander Bruce of Broomhall called, and their procurators being heard, and the Parliat having considered the debate It was put to the vote Admit Sir Alexander Bruce or No and it carried Admit Reserving to Lady Mary Bruce and her huſband for his intereſt their right and declarator before the Lords of Seſsion as accords, And he did take his place as Earl of Kincardin accordingly and swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Saturday next at ten of the clock.

OCTOBER XII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

Lord Oliphant admitted

THE Lord Oliphant swore the oath of allegiance subscribed the same with the aſsurance and took the oath of Parliament.

[Articles of Union]

MOVED that the Articles of Union agreed on by the Commiſsioners nominated on the Kingdoms of Scotland and England be again read And also moved that the Minuts of proceedings of the said Commiſsioners be likeways read And after some reasoning it was agreed That the said Articles of Union should be read, And ordered that all records relating to former treaties betwixt the two Kingdoms be laid on the table and in the intervalls of Parliament they be to be seen in the Laigh Parliament houſe where some of my Lord Regiſters servants are to attend.

AND the articles of Union being accordingly again read It was agreed that the Parliament should proceed to the consideration of the said articles of Union the next Sederunt.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Tuesday next at ten of the clock.

OCTOBER XV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

Warrand for electing a Commiſsioner for the shire of Fyfe

WARRAND granted to the Barons and Freeholders of the Shire of Fyfe to meet on Tuesday the twenty ninth inſtant to elect a Commiſsioner in place of Sir Archbald Hope of Rankeillor deceaſed.

[Articles of Union]

MOVED that according to the laſt Minuts the Parliament should now proceed to the consideration of the articles of Union.

MOVED that the members of Parliament may yet be allowed eight days further to consider more deliberately the Articles and Minuts, And after some reasoning It was put to the vote Proceed presently to the consideration of the articles of Union or continue the consideration thereof till the first Sederunt next week, and it carried Proceed.

WHEREUPON the first article of Union was read As also the Minuts of the proceedings of the Commiſsioners for the Treaty relative thereto and her Majesties Commiſsion to the Commiſsioners for the Treaty on behalf of this Kingdom were likeways read And after some reasoning and discoursing thereupon, the further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Thursday next at ten of the clock.

OCTOBER XVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Addreſs of the General Aſsembly]

ADDRESS of the Commiſsion for the late General Aſsembly of the Church of this Kingdom for establishing and confirming the true Proteſtant Religion and Government of the Church as by law eſtablished therein read And thereupon the Parliament Declared that before concluding the Union they would take the said Addreſs to their consideration and would do every thing neceſsary for securing the true Proteſtant Religion and Church Government presently eſtablished by law in this Kingdom.

Dispensation for the sitting of inferior Courts

DISPENSATION granted to inferior Courts to sit notwithstanding of the sitting of the Parliament.

[Articles of Union]

THE Parliament proceeded to the further consideration of the articles of Union and the second article thereof was read as also the Minuts of the Treaty relative thereto and the Act of the Parliament of England in the first year of the reign of their late Majeſties King William and Queen Mary entituled An Act Declaring the rights and liber-

ties of the subject and setling the succeſsion of the Croun, were likewayes read, And were thereafter reasoned and discoursed upon.

THE third article read.

AND thereafter the fourth, fifth, sixth, seventh, and eight articles were all severally read with the minuts relative thereto and were all reasoned and discoursed upon.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Saturday next at ten of the clock.

OCTOBER XIX, M,DCC,VI.

PRAYERS said Rolls called.

Hemprigs admitted. MR James Dunbar younger of Hemprigs Commiſsioner elected for the Shire of Caithneſs in place of Sir George Sinclair of Clyth deceaſed, took the oath of alleadgeance subscribed the same with the aſsurance and took the oath of Parliament.

[Members excused] MR John Steuart younger of Blackhall excused by his Grace her Majesties high Commiſsioner in respect of his indisposition As also the Earl of Lauderdale excused for this days absence.

MINUTS of the laſt Sederunt read.

[Articles of Union] THE Parliament proceeded to the further consideration of the articles of Union And the ninth, tenth, eleventh twelvth thirteenth and fourteenth articles were all severally read with the Minuts of Treaty relating thereto and were all discoursed on.

THE fifeteenth article of Union was likeways twice read and discoursed and reasoned on As also the minuts relative thereto And after some reasoning thereon there aroſe a debate about the calculation of the Equivalent of Three hundred and ninety eight thousand and eighty five pounds ten shillings therein mentioned, which was adjourned till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten of the clock.

OCTOBER XXII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Articles of Union] THE debate anent the calculation of the Equivalent of three hundred and ninety eight thousand eighty five pounds ten shillings mentioned in the fifteenth article of Union resumed, and after some time spent thereupon It was agreed to nominat a Committee of three persons of each state to proceed and examine the calculation of the said three hundred and ninety eight thousand and eighty five pounds ten shillings and to report to the Parliament, and the next Sederunt of Parliament appointed for nominating the said Committee.

THEREAFTER several paragraphs of the said fifeteenth article were again read and further reasoned and discoursed on.

THE sixteenth and seventeenth articles were also read and the minuts relative thereto and were reasoned upon.

THE eighteenth article and the minuts relative thereto were likewayes read and after some discourse and reasoning thereon, the further consideration of the said article was delayed till next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Mats high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Ogilvies of Boynd] WARRANT granted, upon a petition, to Sir Patrick and James Ogilvies elder and younger of Boynd to cite their Creditors in order to their obtaining protection.

Committee for examining the calculation of the Equivalent THE Parliament conform to the Minuts of the laſt Sederunt proceeded to elect the Committee for examination of the calculation of the Equivalent of Three hundred ninety eight thousand eighty five pounds ten shillings And the three Eſtates having seperated to their usual places returned & reported their respective elections and the liſt of the Committee is as follows. Of the Nobility The Marqueſs of Montrose Lord President of the Privy Council the Duke of Argyll

and the Marquefs of Tweeddale, Of the Commiſsioners for Shires Sir Alexander Campbell of Ceſsnock George Baillie of Jerviswood, and John Haldan of Gleneagles, Of the Commissioners for Burghs Robert Inglis Lieutenent Colonell John Erskine and Hugh Montgomery, And the Committee was appointed to meet in the Inner-Session-house the first intervall day of Parliament at ten of the clock in the forenoon.

THEREAFTER the eighteenth article of Union was again read, And upon reasoning thereon, It was moved that the English laws concerning regulation of trade customes and such excises to which this Kingdom by virtue of the treaty is to be lyable be printed for information; Moved likeways That it be remitted to a Committee to consider the several branches of our trade as to export and import with the Engliſh Laws and books of rates in relation thereto with the customes and excises thereof for the satisfaction of the members of Parliament thereanent, And to cause print such of the acts of the English Parliament concerning the same as they find expedient or to report to the Parliament, And after some debate on these motions the further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten of the clock.

OCTOBER XXV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Meſsage from the Privy Council respecting the late Tumult] THE Lord high Chancellour Represented to the Parliament 'That he was directed by the Lords 'of her Majesties Privy Council to acquaint the 'Parliament That upon occasion of a rabble and 'tumult that happened in Edinburgh upon Wed-'nesday's night laſt by which several members of 'Parliament were threatened and insulted, the 'Lords of Privy Council had for security of the 'members of Parliament and peace of the Toun 'brought in a part of the foot guards to the Toun 'of Edinburgh and had iſsued furth a Proclama-'tion against such tumultuary meetings in the 'terms of several acts of Parliament.'

[Proceedings thereon] WHEREUPON and after some reasoning a proposition was made in thir terms That the Estates of Parliament being sensible of the care and concern of the Lords of Privy Council to suppreſs the late tumult and mob and to secure the quiet and safety of the Parliament that therefore they should return to their Lordships the thanks of the Parliament and should recommend to my Lord high Commissioner and the Privy Council to continue their care for the safety and security of the Parliament and the peace and quiet of the Toun; Which being read, After some discourse thereupon It was moved That the Proclamation of Privy Council should be read, and the same being accordingly read the Earl of Erroll Lord high Constable gave in a Protestation in the following terms, That he for himself and in name of such as should adhere to his Protestation Protested that the continuing of standing forces within the Toun of Edinburgh and keeping guard with them in the Parliament cloſs and other places within the Toun the time of Parliament, as at present is done, is contrare to the right of his office as high Constable by which he has the only priviledge of Guarding the Parliament without doors as the Earl Marischall has within doors, and is an encroachment on the rights and privileges of Parliament and on the particular rights and privileges of the Toun of Edinburgh And if any vote shall paſs contrare to his said right or the rights of the Earl Marishall or rights and privileges of Parliament or the Toun of Edinburgh, that it shall not in any time hereafter prejudge the same or be any ways drawn in consequence, And he desired the said Protestation to be insert in the Minuts and recorded in the books of Parliament, Which Protestation being read The said Earl of Erroll did take instruments thereupon. And the Duke of Hamilton the Duke of Atholl the Marquefs of Annandale the Earl Marischall the Earl of Wigtoun the Earl of Strathmore the Earl of Selkirk the Earl of Kincardin the Viscount of Stormont the Viscount of Kilsyth the Lord Sempill the Lord Oliphant the Lord Balmerinoch the Lord Blantyre the Lord Bargany the Lord Belhaven the Lord Colvill and the Lord Kinnaird George Lockhart of Carnwath Sir James Foulis of Colingtoun Andrew Fletcher of Saltoun John Birsbane younger of Bishoptoun William Cochran of Kilmarronock John Stewart of Kinwhinlick John Grahame of Kilearne James Graham of Buchlivie Robert Rollo of Powhouse Sir Patrick Murray of Ochtertyre John Murray of Strowan Sir Thomas Burnet of Leyes Alexander Gordon of Pitlurg James Moir of Stonywood Mr Patrick Lyon of Auchterhouse David Graham of Fintrie James Ogilvie younger of Boynd Alexander Mackghie of Palgoun Mr James Dunbar younger of Hemprigs George Mackenzie of Incheulter Alexander Robertson Alexander Edgar Alexander Duff Francis Moliſon Robert Kellie Mr William Sutherland Archbald Shiells Mr John Lyon Mr John Carruthers Mr James Bethun George Home John Bayne and Mr Robert Fraser Adhered thereto. And after some further debate upon the said proposition a vote was stated Approve thereof or not But it being Objected that the same consisted of two

Protestation the Earl of Erroll

distinct articles the one Approving what was done and the other Recommending to the Privy Council to continue their care, which ought to be seperatly considered and voted The vote was thereupon stated, Whither the said proposition should be voted jointly or seperatly.

BUT before voting, upon a motion made by the Commissioners for the Toun of Edinburgh, it was agreed to that it should be but prejudice of the said Toun of Edinburgh's rights and privileges by their charters. Then the vote was put Jointly or Seperatly and it carried Jointly. Thereafter the vote was put Approve of the proposition or Not and it carried Approve.

THEN the Lord Chancellour by order of her Majesty's high Commissioner Adjourned the Parliament till Munday next at ten of the clock.

OCTOBER XXVIII, M,DCC,VI.

PRAYERS said Rolls called.

PATENT creating Lord Archbald Campbell Earl of Ilay, read and ordered to be recorded, Whereupon he took the oath of allegiance subscribed the same with the asurance, and took the oath of Parliament and the tenor of his Patent is as follows.

The Earl of Ilay's Patent

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor, Omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes Nos nostrosq; Regios antecessores perplurima fidelia servitia a nobili et antiqua familia de Argyll accepisse toties agnota in diplomatibus aliisq; magni momenti commissionibus et muneribus plurimis hac præclara familia ortis concessa, et quæ non minus sibi ipsis honorem et patriæ commodum tribuendo quam nobis nostrisq; Regiis antecessoribus approbantibus gesta fuere, benigne statuimus non solum servitiorum quæ hactenus egregie præstiterunt memoriam retinere sed etiam eos ulterius excitare et animare hæc facta prosequi et repetere quæ nobis nunc placet remunerare durabilem et insignem regii nostri favoris characterem conferendo in fidelissimum nostrum conciliarium Dominum Archibaldum Campbell fratrem germanum Joannis Ducis de Argyll ejusq; heredes postea expressos qui muneribus sibi hactenus commissis fideliter et diligenter functus est Noveritis igitur Nos tanquam solus author et scaturigo honoris Fecisse Constituise et Creasse sicuti Nos per has nostras patentes literas Facimus Constituimus et Creamus dictum Dominum Archibaldum Campbell Comitem Vicecomitem et liberum Parliamenti Dominum intitulandum et designandum Comitem et Vicecomitem de Ilay et Dominum Oransay Dunoon et Arrose omni tempore futuro Dando Concedendo et conferendo dicto Domino Archibaldo Campbell et heredibus masculis ex suo corpore procreandis titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi Parliamenti Domini ut dictum est cum plenaria admodum potestate et authoritate illi ejusq; antedictis eundem cum omnibus et singulis prærogativis præcedentiis præeminentiis et privilegiis eo spectantibus possidere et frui Quibuscum Nos eundem Dominum Archibaldum Campbell ejusq; antedictos Nobilitamus et Investimus Speciatim vero cum libero suffragio in Parliamento Tenend dictum titulum honorem ordinem dignitatem et gradum Comitis Vicecomitis et liberi Parliamenti Domini cum omnibus prærogativis præeminentiis et privilegiis eo spectantibus per eundem Dominum Archibaldum Campbell ejusq; antedictos de nobis nostrisq; Regiis successoribus in omnibus Parliamentis ordinum conventibus generalibus conciliis aliisq; congressibus quibuscunq; publicis seu privatis in dicto Regno nostro tam plenarie adeoq; libere in omnibus respectibus quam quivis alius Comes Vicecomes et liber Parliamenti Dominus simili titulo honore et dignitate cum universis privilegiis aliisq; eo spectantibus usus et gavisus est seu quovis tempore præterito præsenti vel futuro uti et gaudere poterit Leoni porro armorum Regi ejusq; fratribus fœcialibus Imperamus ut præfato Domino Archibaldo Campbell nunc Comiti de Ilay talia prioribus insigniis ejus gentilitiis additamenta qualia hac occasione expediens et conveniens videbitur dent et præscribant Et declaramus et ordinamus hasce nostras patentes literas magno nostro sigillo munitas adeo validas et efficaces fore dicto Domino Archibaldo Campbell ejusq; antedictis pro possidendo prædicto titulo honore et dignitate ac si cum omnibus ritibus et solennitatibus similibus occasionibus perprius usitatis ille ejusq; [predict.] investiti et inaugurati esent Quocirca dispensavimus perq; præsentes in perpetuum dispensamus In cujus rei testimonium præsentibus magnum sigillum nostrum appendi mandavimus Apud aulam nostram de Kensingtoun decimo nono die mensis Octobris anno domini millesimo septingentesimo sexto et anno regni nostri quinto. Per signaturam manu S. D. N. Reginæ suprascript. Written to the great Seal and regrat the twenty eight day of October 1706 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty eight day of October one thousand seven hundred and six years Sic subscribitur Archibald Ogilvy.

THE Lord Duffus took the oath of allegiance subscribed the same with the asurance and took the oath of Parliament.

The Lord Duffus admitted.

MINUTS of the last Sederunt read.

[Articles of Union] THEREAFTER the Parliament proceeded to the consideration of the articles of Union, and the eighteenth article was again read and further discoursed on.

THEREAFTER the nineteenth, twentieth and twenty first articles were read and the minuts relative thereto and the further consideration of these articles delayed till next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majefties high Commifsioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXIX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Articles of Union] THE nineteenth article of Union was again read, and also the twentieth and twenty first articles and were severally reasoned on.

THEREAFTER the twenty second and twenty third articles were likeways read, and the minuts relative thereto And after some reasoning thereupon the further consideration of these articles was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commifsioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Articles of Union] THE twenty second and twenty third articles of Union were again read and further discoursed on.

THEREAFTER the twenty fourth and twenty fifth articles of Union and the minuts relative thereto were also read and severally reasoned on.

[Act adjourning the Sefsion] ACT Adjourning the Sefsion till the first of December next read, and a first reading ordered to be marked thereon.

THEN the Lord Chancellour by order of her Majesties high Commifsioner Adjourned the Parliament till Friday next at ten of the clock.

NOVEMBER I, M,DCC,VI.

PRAYERS said Rolls called.

Rankeillor admitted. Mr Thomas Hope of Rankeillor Commifsioner elected for the shire of Fyfe in place of Sir Archbald Hope of Rankeillor deceased took the oath of allegiance subscribed the same with the afsurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

[Adjourning the Sefsion] ACT for adjourning the Sefsion till the first of December next read for the second time and voted and approven.

[Articles of Union] MOVED that the Parliament now proceed to the further and more particular consideration of the articles of Union in order to approve them or not, and to begin with and read the first article.

MOVED also that the further consideration of the articles of Union be yet delayed for some considerable time that the sentiments of the Parliament of England thereanent be known and the Members of Parliament may consult these whom they represent And after some debate on these motions the following petitions and addrefses were presented viz. One by some of the Barons freeholders and others subscribers of the same within the shire of Midlothian, Another by some of the Barons freeholders and others subscribers of the same within the shire of Linlithgow, And three by some of the Barons and freeholders of Perthshire subscribing the same All againft Allowing of an incorporating Union with England, And all read and discoursed on And thereafter the debate for delay on account of consulting with those whom the members represent and of knowing the sentiments of the Nation and the procedure of the Parliament of England was let fall And agreed that the first article of Union should be read but that it should be intire next Sederunt of Parliament to debate whither or not the first article should be concluded by approving thereof or not Or if the Parliament may not before concluding thereof begin with and conclude any other of the articles, And accordingly the first article was read.

Addrefses against the Union

THEREAFTER the Act adjourning the Sefsion till the first of December next was touched with the scepter by her Majesties high Commifsioner in the usual manner, Of which Act the tenor follows.

ACT Adjourning the Sefsion till the first day of December next

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Adjourns the 1

Seſsion to the first day of December next And Declares all actions depending before the Lords of Seſsion to be continued to the said day And Her Majestie with advice and consent foresaid Dispenses in the mean time with the sitting of the Court of Justiciary and all inferior Courts as if the Parliament were not sitting And further Declares That the time and space betwixt the date hereof and the said first day of December next shall not be reckoned in any annual prescriptions And Ordains these presents to be published at the mercat croſs of Edinburgh and to be furthwith printed that all the Leidges may be certified thereof.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER II, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Order of procedure] THE first article of Union was again read, And thereupon a motion was offered in thir terms That it be agreed to in the first place to proceed to take the first article of Union to consideration with this provision that if the other articles of Union be not adjusted by the Parliament then the agreeing to and approving of the first shall be of no effect, and that immediatly after the said first article the Parliament will proceed to an act for security of the doctrine discipline worship and government of the Church as now by law established within this Kingdom and after some debate thereon there was a state of a vote offered Approve of the motion Yea or No.

WHEREUPON there was a resolve offered in thir terms That before this house proceed to vote any of the articles of the Treaty they will hear what security the Commission of this Church has to offer for the Church government and that before any incorporating Union be voted, And after some further debate upon the said motion and resolve, a second state of a vote was offered that the Church government be taken into consideration before the articles of Treaty, Yea or No. And after some debate which of the two should be the state of the vote it was put to the vote Whither the First or Second should be the state of the vote, and it carried the First, Thereafter it was put to the vote Approve the motion or Not and it carried Approve.

WHEREUPON the first article of Union was again read And after some reasoning thereon it being objected That an incorporating Union of the two Kingdoms was contrare to and inconsistent with the Claim of Right; The Claim of Right and the third act of the first Parliament of her Majeſty Queen Anne intituled Act for approving the turning the Meeting of the Estates into a Parliament And the Letter of the Meeting of Estates to King William the twenty fourth of April I^m vj^c^ and eighty nine were all read.

AND an Addreſs by the Barons Freeholders Heretors and other Gentlemen in the shire of Forfar subscribers of the same against allowing of an incorporating Union with England being given in was also read. Addreſs against the Union

AND after long reasoning and debate on the said first Article of Union and objection It was of consent agreed that the same should be delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Munday next at ten of the clock.

NOVEMBER IV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the following Addreſses were presented viz. Addreſs of Barons freeholders and others within the shire of Stirling subscribers of the same, Addreſs of the Barons freeholders and others within the ſhire of Dumbartan subscribers of the same, Addreſs of the Magistrats Toun Councill Deacons of crafts and Burgeſses within the Burgh of Linlithgow subscribers of the same Addreſs of the Heretors and other Inhabitants of the Toun and Paroch of Dunkeld alias Caledonia subscribers of the same And an addreſs of the Toun and Paroch of Dysart subscribers of the same All againſt an incorporating Union with England, and were read. Addreſses against the Union

[1st Article of Union] THEREAFTER the first article of Union was again read, As also the motion mentioned in the laſt minute relating thereto viz. That it be agreed to in the first place to proceed to take the first article of Union to consideration with this provision that if the other articles of Union be not adjuſted by the Parliament then the agreeing to and approving of the first shall be of no effect, And that immediatly after the said first article the Parliament will proceed to an act for security of the Doctrine Discipline Worship and Government of the Church as now by law established within this Kingdom.

[Resolve offered] AND after some further debate upon the said article a Resolve was offered in thir terms viz. ‘ Whereas ‘ it evidently appears since the printing publishing

'and considering of the articles of treaty now be-
'fore this house this Nation seems generally averse
'to this incorporating Union in the terms now
'before Us as subversive of the Sovereignty fun-
'damental Conſtitution and Claim of Right of this
'Kingdom and as threatning ruin to this church
'as by law eſtabliſhed.

'AND since it is plain That if an Union were
'agreed to in these terms by this Parliament and
'accepted of by the Parliament of England, it
'would in no sort answer the peaceable and friend-
'ly ends proposed by an Union but would on the
'contrare creat such dismall distractions and ani-
'mosities amongst ourselves and such jealouſies
'and mistakes betwixt us and our Neighbours as
'would involve these Nations into fatal breaches
'and confusions.

'THEREFORE Resolved That We are willing
'to enter into such an Union with our Neighbours
'of England as shall unite us intirely and after the
'most strict manner in all their and our intereſts
'of Succeſsion, Warrs, Alliances and Trade, Re-
'serving to us the ſovereignty and independency
'of our Crown and Monarchie, and immunities of
'the Kingdom and the conſtitution and frame of
'the Government both of Church and State as
'they stand now eſtablished by our fundamental
'Conſtitution by our Claim of Right and by our
'laws following thereupon. Or,

'RESOLVED That We will proceed to Settle
'the same Succeſsion with England upon such
'conditions and regulations of government within
'ourselves as shall effectually secure the Sove-
'reignity and Independency of this Crown and
'Kingdom and the indiſsolvable society of the
'same with the fundamental rights and constitu-
'tion of the government both of Church and State
'as the same stands established by the Claim of
'Right and other Laws and Statutes of this
'Kingdom.'

WHICH being read and after debate thereon the vote was stated Approve of the first article of Union in the terms of the motion Yea or No.

Protestation the Duke of Atholl

BUT before voteing the Duke of Atholl gave in the following Protest viz. That he for himself and all others who shall adhere Protested That an incorporating Union of the Crown and Kingdom of Scotland with the Crown and Kingdom of England and that both Nations should be represented by one and the same Parliament as contained in the articles of the treaty of Union is contrare to the honour intereſt fundamental Laws and conſtitution of this Kingdom, the Birthright of the Peers, the rights and privileges of the Barons and Burrows, and is contrare to the Claim of Right property and liberty of the subjects, and third act of her Majeſties Parliament I^o vij^o and three by which it is declared high treason in any of the subjects of this Kingdom to quarrell or indeavour by writing malteious and advised speaking or other open act or deed to alter or innovat the Claim of Right or any article thereof and Reserving liberty to him and his adherents to renew their Protestation against further proceedings in the said matter and to adjoin their reaſons for the same and desired this his Proteſtation be marked in the records of Parliament, Which being read the said Duke of Atholl took inſtruments thereon And the Duke of Hamilton the Marqueſs of Annandale the Earl of Erroll the Earl Mariſchall the Earl of Wigtoun the Earl of Strathmore the Earl of Selkirk the Earl of Kincardin the Viscount of Stormont the Viscount of Kilsyth the Lord Sempill the Lord Oliphant the Lord Balmerinoch the Lord Blantyre the Lord Bargany the Lord Belhaven the Lord Colvill the Lord Kinnaird, George Lockhart of Carnwath Sir James Foulis of Colingtoun Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus Sir Patrick Home of Rentoun John Sinclair younger of Stevenson John Sharp of Hoddam Mr Alexander Ferguson of Isle John Birsbane of Bishoptoun Mr William Cochrane of Kilmaronock Sir Humphray Colquhoun of Luſs John Grahame of Killearn James Graham of Buchlivie Thomas Sharp of Houstoun Sir Patrick Murray of Ochtertyre John Murray of Strowan James Moir of Stonywood David Bethun of Balfour Mr Thomas Hope of Rankeillor Mr Patrick Lyon of Auchterhouse Mr James Carnegie of Finhaven David Graham younger of Fintrie James Ogilvie younger of Boynd Mr George M^kenzie of Inchculter, Alexander Robertson Walter Steuart Alexander Watson Alexander Edgar John Black James Oswald Robert Johnstoun Alexander Duff Francis Molison Walter Scot George Smith Robert Scot Robert Kellie John Hutchison Mr William Sutherland Archbald Shiells Mr John Lyon George Spens Mr William Johnstoun Mr John Carruthers George Home John Bain and Mr Robert Fraser Adhered thereto.

THEN the vote was put Approve of the said first article of Union in the terms of the motion Yea or Not and carried Approve.

MOVED that the Liſt of the haill Members of Parliament as they voted pro or con be printed Which was agreed to, and they are as follows. [List to be printed]

APPROVERS of the first Article of Union in the terms of the Motion.

Of the Nobility.

The Lord Chancellour
The Marq: Montrose Pr. Secr. Coun:

The Duke of Argyll
The Marqueſs of Tweeddale
The Marqueſs of Lothian
Earls of Mar Secretary
Loudoun Secretary
Crauford
Sutherland
Rothes
Mortoun
Eglintoun
Roxburgh
Hadington
Galloway
Wemyſs
Dalhouſie
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmoir
Marchmont
Hyndford
Cromarty
Stair
Rosberry
Glasgow Theſ^{r} dep^{t}
Hopetoun
Delorain
Ilay
Viscounts Duplin
Garnock
Lords Forbes
Elphinston
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Rollo
Lords Regiſter
Juſtice Clerk.

Of the Barons

Sir Robert Dickson of Inueresk
William Niſbet of Dirletoun
John Cockburn younger of Ormistoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Cesnock
Sir William Ker of Greenhead
Archbald Douglaſs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
William Morison of Prestoungrange
George Baillie of Jerviswood
Sir John Johnstoun of Westerhall
William Douglaſs of Dornock
Mr William Steuart of Caſtlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffen
Mr William Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultry
Sir Robert Pollock of that Ilk
Mr John Montgomery of Wrae
John Haldan of Gleneagles
Mungo Graham of Gorthie
Sir Thomas Burnet of Leyes
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
Sir Kenneth Mackenzie
Mr Æneas Mackleod of Cadboill
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sir William Anstruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glaſsoch
William Maxwell of Cardineſs
Mr James Dunbar you^{r} of Hemprigs
John Bruce of Kinroſs

Of the Burrows

Sir Patrick Johnstoun
John Scrimsour
Lieutenent Collonell John Erſkine
John Muir
James Scot
Patrick Bruce
Sir John Erskine
James Spittle
Mr Patrick Moncrief
George Monro
Sir Andrew Home
William Coltrane
Sir Peter Halket
Sir James Smollet
Mr William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr John Clerk
John Rose
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardes
William Alves
Mr Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr Robert Douglaſs
Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

THE Voters againſt Approving the first Article of Union in the terms of the Motion.

Of the Nobility

Dukes of Hamilton
Atholl
Marqueſs of Annandale
Earls of Erroll
Marischall
Buchan
Glencairn
Wigtoun
Strathmore
Selkirk
Kincardin
Viscounts of Stormont
Kilsyth.
Lords Sempill
Oliphant
Balmerinoch
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Of the Barons

George Lockhart of Carnwath
Sir James Foulis of Colingtoun
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir Patrick Home of Rentoun
Sir Gilbert Elliot of Minto
William Baillie of Lamingtoun
John Sinclair younger of Stevenson
John Sharp of Hoddam
Mr Alexander Ferguson of Isle
John Birsbane younger of Bishoptoun
Mr William Cochran of Kilmaronock
Sir Humphray Colquhoun of Luſs
Sir John Houſtoun of that Ilk
John Graham of Killearn
James Graham of Buchlivie
Thomas Sharp of Houſtoun
Sir Patrick Murray of Ochtertyre
John Murray of Strowan
Sir David Ramsay of Balmain
Alexander Gordon of Pitlurg
James Moir of Stonywood
John Forbes of Culloden
David Bethun of Balfour
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegie of Finhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Alexander Mackghie of Palgown
Sir Henry Innes younger of that Ilk
Alexander Douglaſs of Egilshaw
Mr George Mackenzie of Inchculter

Of the Burrows

Robert Inglis
Alexander Robertson
Walter Steuart
Alexander Watson
Hugh Montgomery
Alexander Edgar
John Black
James Oswald
Robert Johnstoun
Alexander Duff
Francis Molison
Walter Scot
George Smith
Robert Scot
Robert Kellie
John Hutchison
Mr William Sutherland
Archbald Schiells
Mr John Lyon
Mr Dougald Stewart
George Broddie
George Spens
Sir David Cunninghame
Mr William Johnſtoun
Mr John Carruthers
George Home
Mr James Bethun
John Bayne
Mr Robert Fraser

THEREAFTER an overture for an Act for Security of the true Proteſtant Religion and Government of the Church as by law eſtablished within this Kingdom was read and ordered to be printed. [Act for Security of the Protestant Religion read]

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Wednesday next at ten of the clock.

NOVEMBER VI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Lord Chancellour moved That albeit he had no opportunity to vote for approving the first article of Union yet he desired his name to be recorded and to be printed with those that voted Approve and the same was agreed to, and his name is accordingly recorded as above. [L. Chancellour]

ADDRESS of the Commiſsioners to the General Convention of the Royal Burrows subscribed by Addreſs against the Union

the Præses of the Convention againſt concluding such an incorporating Union as is contained in the articles proposed given in and read.

THEN the following Addreſses were given in viz. Addreſs by the Barons Freeholders and others within the shire of Fyfe subscribing the same Addreſs by the Barons freeholders and others within the shire of Renfrew subscribing the same And an Addreſs by the Magiſtrats of the Burgh of Falkland Councillors and inhabitants therein and of heretors within the paroch thereof subscribing the same all againſt allowing of an incorporating Union, in the terms contained in the articles with England and were all read.

AND an Addreſs by heretors elders and maſters of families within the paroch of Hamilton subscribers of the same that no union be hastily entered into with England also given in and read.

[Act for Security of the Protestant Religion]

ACT for security of the true Proteſtant Religion and Government of the Church as by Law eſtabliſhed within this Kingdom again read and a first reading ordered to be marked thereon.

[Account of the Funds &c.]

ACCOUNT Charge and Diſcharge of the funds for the troops garriſons and frigots given in and ordered to ly upon the table.

[Supply]

ACT for a Supply to be granted to her Majesty for maintaining of the standing forces forts garrisons and frigots presented and read and a firſt reading ordered to be marked thereon.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Friday next at ten of the clock.

NOVEMBER VIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Representation of the Commiſsion of the General Assembly]

REPRESENTATION and Petition of the Commiſsion of the General Aſsembly of this Church Representing several difficulties in relation to some of the articles of Union and craving suteable remedies read.

[Addreſses against the Union]

THEN the following Addreſses were given in and read viz. Addreſs of the Inhabitants of the Paroch of Tulliallan subscribing the same, Addreſs of the Magistrats Toun Council Merchants Deacons of crafts and other tradesmen and inhabitants within the Burgh of Dumfermling subscribers of the same And an Addreſs by the Heretors Merchants Maſters of ships Mariners and other Inhabitants in the Toun of Borroustounneſs subscribing the same All againſt allowing of an incorporating Union with England upon the terms contained in the articles.

AS also an Addreſs of the inhabitants of the paroch of Blantyre subscribers of the same And an Addreſs of heretors and commoners of the paroch of Avendale subscribing the same that no union be hastily entered into with England were likeways given in and read.

[Act for Security of the Protestant Religion]

THEREAFTER an act for securing of the true Proteſtant religion and Government of the Church as by Law eſtabliſhed within this Kingdom was again read.

MOVED that the consideration of the said act may be delayed till next Sederunt.

[Act for a Supply]

MOVED also that the Parliament proceed to the consideration of the Act for a Supply.

AND after some reasoning on these motions It was agreed to lay aside the act for security of the Proteſtant Religion and Church government for this Sederunt and to proceed to the Act for a Supply, And accordingly the Act for a Supply was again read.

AND it was agreed to that a Supply of eight months Ceſs should be granted to her Majeſty for the ends and uses mentioned in the Act extending to five hundred seventy seven thousand sixty six pounds thirteen shillings and four pennies and that it should be payable at the terms following viz. One months supply upon the tenth of December for Martinmaſs next, One month and a half months supply at Candlemaſs I^{m} vij^{c} and seven, One month and a half at Whitsunday One month and a half at Lammaſs One month and a half at Martinmaſs the said year and One months supply at Candlemaſs I^{m} vij^{c} and eight.

MOVED that in place of the retention of a twelvth part of annualrents allowed by the above act for a supply there be an allowance granted for retention of a sixth part of annualrents And after some reasoning thereupon It was put to the vote Approve of the article concerning the retention or Amend, and it carried Approve.

AND after some amendments the Act was voted and Approven.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till the morrow at ten of the clock.

NOVEMBER IX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read

THE Act for a Supply was touched with the scepter by her Majesties high Commissioner in the usual manner, Of which act the tenor follows.

ACT for a Supply of Eight Months Cess out of the Land Rent.

2 THE Estates of Parliament taking into their consideration the danger that still threatens this Kingdom by reason of the continuance of the present war which manifestly requires the keeping up of the standing forces and of the supply necessary for their maintainence and for the repairing furnishing and maintaining the forts and garrisons and outreicking and maintaining the frigots imployed for defence of the coasts for conveying ships as well upon our own coast as to forreign ports and for maintaining two Berlines to be kept on the West coast for preventing the importation of Irish victual and other prohibited goods from Ireland Do Therefore humbly and cheerfully for themselves and in name and behalf of this Kingdom whom they represent make offer to her Majesty of the sum of Five hundred seventy seven thousand and sixty six pounds thirteen shillings four pennies Scots money extending to Eight months Cess being Seventy two thousand one hundred thirty three pounds six shillings eight pennies money foresaid monthly Which new Supply is to be raised and uplifted out of the land rent of this Kingdom in the same manner and conform to the proportion of the Shires and Burrows contained in the sixth act of the Parliament one thousand six hundred and ninty years Providing alwayes that the proportion of Burrows be rated and paid as their taxt roll now is or shall be settled by themselves And the said new Supply is to be paid at the terms following viz. The sum of seventy two thousand one hundred and thirty three pounds six shilling eight pennies Scots for the term of Martinmas next payable betwixt and the tenth of December thereafter as one months cess The sum of One hundred eight thousand and two hundred pounds as a month and a half's cess at the term of Candlemas I^{m} vij^{c} and seven years The like sum of One hundred eight thousand and two hundred pounds as an other month and an half's cess at the term of Whitsunday thereafter The like sum of One hundred eight thousand and two hundred pounds as an other month and an half's cess at the term of Lammas thereafter The like sum of one hundred and eight thousand and two hundred pounds as an other month and an half's cess at the term of Martinmas thereafter I^{m} vij^{c} and seven years And the sum of Seventy two thousand one hundred and thirty three pounds six shillings eight pennies as one months cess at the term of Candlemas I^{m} vij^{c} and eight years. And Her Majesty Considering That this new Supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons shall be Exempted from payment of their proportion thereof for their lands upon any pretence whatsoever Excepting mortified lands and the lands of Newmills belonging to the woollen manufactory there, (for which mortified lands and lands of Newmills deduction is to be allowed in the quotas of their respective shires) notwithstanding of any former law or privilege in the contrary And Her Majesty with advice and consent foresaid Appoints the same persons who have been named in the Second Session of this current Parliament or subsequent Sessions and are still alive and have qualified themselves according to law, or shall qualifie themselves betwixt and the last Thursday of January I^{m} vij^{c} and seven and such others as shall be contained in the lists to be given in this Session of Parliament being always qualified as said is to be Commissioners for ordering and uplifting the said Supply With power to choose their own Clerk and to do every other thing concerning the said Supply as is prescribed & appointed by the foresaid acts and other acts to which they relate holding the same as herein repeated And Ordains Execution to pass for inbringing thereof as is provided by the said acts in all points And ordains the first meeting of the said Commissioners of shires to be at the respective head Burghs thereof the said last Thursday of January I^{m} vij^{c} and seven And Requires the Sheriffs Steuarts or their deputes to intimat the same to the Commissioners of their Shires and Stewartries With power to the said Commissioners to appoint the subsequent diets of their meetings and their conveeners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit Declaring nevertheless that in the mean time the present Collectors and Clerks of Supply shall be and are hereby continued for collecting the first months new supply And Commits to her Majesties Privy Council upon the death or not acceptance of the Commissioners of Supply appointed by this Act to nominat and appoint others in their places And Her Majesty with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Estates in relation to the inbringing of cess and quartering and anent riding money to stand in full force as to the Supply now imposed as if they were herein exprest and were observed before the making of this act And it is hereby Declared That no persons whither heretor or Collector lyable in payment of the said supply

shall be holden to produce their recepts or discharges of the same after three years from the respective terms of payment unleſs diligence be done therefore by denunciation within the said three years In which case of diligence by denunciation a year farder is only added to the said three years and none shall be holden to produce their recepts or discharges thereafter And because by the Supply hereby granted the land rents and Burghs of this Kingdom are only burdened and it being reasonable that personal Eſtates in money should bear some proportionall burden Therefore Her Majesty with advice and consent foresaid Statutes and Ordains That every debitor owing money within this Kingdom at six per Cent. of intereſt shall in the payment of his Annualrents have retention in his own hands of a twelvth part of six per Cent. And this retention to be from the term of Martinmaſs next to come to the term of Martinmaſs I^{m} vij^{c} and seven And It is Declared That it shall be usury for any Creditor to refuse to grant the said retention And it is further Statute and Ordained That no part of the said supply be applyed to any other uses than these particularly above expreſsed upon any pretext whatsoever And particularly That a months ceſs of the above Eight months ceſs be applyed for outreiking and maintaining of the frigots and Berlines above mentioned And that the clearance and arrears due to the forces on the present Establishment for the twelve months from the first of October I^{m} vij^{c} and five to the first of October I^{m} vij^{c} and six be punctually paid to them within the currency of the said Eight months ceſs.

FOLLOWS the Commiſsioners of Supply given in by the Noblemen and Commiſsioners for the several shires as was ordered in Parliament.

For the shire of Edinburgh

The Lord and Master of Balmerinoch Sir Robert Forbes of Auchinhoove Mr Patrick Falconer of Monktoun John Strachan of Craigcrook Mr Thomas Rig of Mortoun Sir William Sharp of Stonyhill Captain Francis Charters of Cranstoun Thomas Marjoribanks of that Ilk.

For the shire of Hadingtoun

Mr John Baird younger of Newbyth Colonell Sharp of Blans Sandilands younger portioner of Eaſt Barns Hepburn of Smeitoun Haliburton of Egliscarnie Anderson of Whiteburgh George Logan of Burncastle.

For the shire of Lanerk

The Laird of Keir the Laird of Pencaitland Captain Gavin Hamilton of Raploch Robert Baillie of Carnbrue Michael Leckie of Greenside James Corbet of Kenmuir John Maxwell of Williamwood Sir John Inglis of Cramond John Inglis of Longbyres John Forbes of Poſshill the Laird of Craignethen younger Thomas Crauford of Bradenhill Sir William Gordon of Hallcraig the Laird of Kirktounholme elder the Laird of Kirktounholme younger Coline Bell of Hamilton's ferm James Maxwell of Brounieshill Mr John Birnie younger of Broomhill William Wilson of Cleugh John Nimmo of Eastforth William Broun younger of Cultermaines John Hutchison of Harelaw George Muirhead younger of Persilands Somervell of Woolfoords William Stirling of Woodside Sir James Carmichael of Bonytoun James Hamilton of Gilkerscleugh Andrew Broun of Dolphingtoun younger William Baillie of Littlegill David Crauford of Knockshinnock younger John Rentoun of Moſscastle Alexander Clerk of Glendorik.

For the shire of Dumfreis

The Earl of Carnwath.

For the shire of Wigtoun

Andrew Agnew younger of Lochnaw Thomas Hay younger of Park Patrick Mackdowall of Culgroat George Dunbar younger of Mochrum Robert Agnew younger of Shuchan Patrick Mackdowall younger of Crichen Mr James Gordon brother to the Viscount of Kenmuir Hugh Campbell of Aries John Kilpatrick Chamberlane to Mr Basil Hamilton Alexander Steuart younger of Tonnarghie John Martin of Aries.

For the shire of Air

Robert Moor of Blairstoun, John Cunninghame of Enterkine.

For the shire of Dumbartoun

The Lairds of Ferms elder and younger John Semple of Dalmock and John Stirling of Law Robert Buntein of Milldevan James Douglaſs of Mains Robert Hamilton younger of Barns John Forbes of Killermont James Grahame Chamberlane to the Marqueſs of Montrose James Campbell of Staneflet factor to the Duke of Argyll Humphray Noble of Kipperminchoch James Buchanan of Middlecatter Thomas Buchanan younger of Ardoch.

For the shire of Bute

James Grahame Chamberlane to the Marqueſs of Montrose.

For the shire of Renfrew

John Earl of Dundonald John Wallace of Elderslie Hugh Montgomery of Busbie James Grahame Chamberlane to the Marqueſs of Montrose.

For the shire of Perth

Mr John Mackenzie of Delvin.

For the shire of Stirling

James Grahame Chamberlane to the Marqueſs of Montrose James Watson of Corntoun.

For the shire of Linlithgow

Sir David Cunninghame of Millcraig Andrew Paterson of Kirktoun.

For the shire of Inverneſs

Mr John Mackenzie Clerk of the Seſsion.

For the shire of Nairn

John Rose of Broadlie the Laird of Kilravock younger.

For the shire of Argyll

The Laird of Mackchonnachie the Laird of Mackfingon Mackclean of Tarbet Mr Coline Campbell of Ardmade Archbald Campbell of Ormig Niel Mackniell of Ardmanish Campbell of Ulva elder Dugald Clerk of Braeleckan.

For the shire of Fyfe

Alexander Moncrief of Mornipae Sir Thomas Hope of Craighall Sir William Hope of Balcomie Sir Peter Halket of Pitfirren Thomas Pringle of Hill David Burgh of Phinmount Lumsden of Drums James Cheap now of Roſsie Roger Aitoun of Inchdairnie younger James White of Conline the Laird of Auchtermairnie. younger James Taylor of Pitcarlie [Thomas Hope] Boiswell of Balmuto Balfour of Liddernie.

For the shire of Bamf

The Lord Bamf John Mark provoſt of Bamf.

For the Steuartry of Kirkcudbright

Major John Steuart of Steuartfield.

For the shire of Sutherland

My Lord Strathnaver My Lord Duffus Sir William Gordon of Dalfollie and Sir James Gray.

For the shire of Caithneſs

The Earl of Caithneſs Mr James Dunbar younger of Hemprigs Captain Robert Sutherland of Tachinga William Sutherland of Gees Robert Henderson of Achalender.

For the shire of Elgine

The Earl of Murray the Lord Duffus the Laird of Grangehill Sir Robert Gordon of Gordonstoun his factor during his minority Archbald Dunbar of Thundertoun John Innes younger of Blackhills William Dunbar of Westermoy.

For the Steuartry of Orkney and Zetland

Archbald Nisbet of Carfin James Fea of Clestran Andrew Young Commiſsar of Orkney Robert Sinclair younger of Quendale John Scot of Scotshall Ninian Niven of Scowsburgh Thomas Giffart of Busta Patrick Mowat younger of Hamnavo.

For the shire of Clackmannan

The Lord Grange.

For the shire of Roſs

Sir Kenneth Mackenzie ſon to the Earl of Cromerty Sir James Mackenzie of Farneze Hugh Roſe younger of Kilravock Malcolme Roſe of Pitcalnie John Mackenzie of Avochie David Mackculloch of Glaſtullich Alexander Roſs of Little Tarrell elder William Robertson younger of Kindease Ronald Bayne of Knockbaine Alexander Sutherland of Inchfuir Hector Monro of Dean Hugh Roſs younger of Little Tarrell Thomas Gair of Nigg John Mackculloch of Pitnilese tutor of Piltoun Sir William Gordon of Dalfolly.

[Mr James Anderson]

THEN a proposal was given in for appointing some of the members of Parliament to view and consider what advance Mr James Anderson has made in the work recommended to him by the Parliament and what appeared fit to be further done in that affair Whereupon the Parliament Remitted to the Earl of Glasgow the Lord Balmerinoch Sir John Lauder of Fountainhall Andrew Fletcher of Saltoun Sir Patrick Johnstoun and Sir David Dalrymple or any three of them to consider what is above proposed.

[Addreſses against the Union]

THEREAFTER the following Addreſses were given in and read viz. Addreſs by the Provost Baillies Toun Council and Burgeſses of the Burgh of Forfar, subscribing the same, Addreſs of the heretors and commons in the paroch of Cambusnethen subscribing the same, Addreſs of the heretors elders and heads of families of the paroch of Cambuslang subscribers of the same Addreſs of the heretors, seſsion, and Inhabitants of the paroch of Kilbride subscribing the same Addreſs of the heretors elders and masters of families in the paroch of Bothwell subscribers of the same and an Addreſs by the heretors and Commons in the paroch of Old Munkland ſubscribing the same, All against entering into an Union with England in the terms of the articles.

[The frigots & berlines]

THEN a proposal given in That the one months ceſs given for the three frigots and two birlings will not outreick and maintain them considering their bad condition by stormy weather and considering the establishment And that therefore an half months ceſs be further granted for their outreick and maintainence, Which being read the same was ordered to ly upon the table.

[Laird of Grant]

PETITION for the Laird of Grant elder craving a remit to the Lords of Seſsion in place of the

Commiſsion for valuation of teinds for determining an action to be raised by him in relation to the teinds of Pluscardin read, And the petition ordered to be seen and answered by any party concerned against the laſt Sederunt of Parliament next week.

[Act for security of Religion] THEREAFTER the Act for security of the true Proteſtant Religion and Government of the church as by law eſtablished within this Kingdom was again read And upon reading the first clause thereof It was moved that there should be a particular enumeration made of all the acts in favors of the Kirk, and after some reasoning thereon, the vote was stated Approve the clauſe as it ſtands or Amend and Enumerat the acts, And it carried Approve.

THEN the second clause of the said act was read and agreed to.

AND upon reading the third clause It was moved that an additional clauſe be added for securing the continuance of the Universities and Colleges of this Kingdom And thereupon an amendment being made in thir terms That the Universities and Colleges of this Kingdom viz. of Saint Andrews Glasgow Aberdeen and Edinburgh as now established by Law ſhall continue within this Kingdom for ever, After some debate thereupon the vote was put Approve of the clauſe as amended or not and it carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten of the clock.

NOVEMBER XII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Addreſses against the Union] THEN the following Addreſses were given in and read viz. Addreſs of the Magistrats Toun Council Merchants Deacons of Crafts and other Inhabitants within the Burgh of Craill subscribing the same, Addreſs of Heretors and Commoners in the paroch of Eaſt Monkland subscribing the same Addreſs of Heretors and Commoners in the paroch of Shots subscribing the same Addreſs of Heretors and Commoners in the paroch of Dalserf subscribing the same, Addreſs of Heretors and Commoners in the paroch of Stenhouse subscribers of the same Addreſs of a body of people in the south and western shires subscribed by Mr John Hepburn and other seven persons And an Addreſs of the Magiſtrats Toun Council and others Inhabitants of the Burgh of Kirkcudbright subscribers of the same All againſt allowing an Union with England in the terms of the articles.

[Act for security of Religion] THEREAFTER the Parliament proceeded to the further consideration of the Act for security of the true Proteſtant Religion and Government of the Church of Scotland as by law eſtabliſhed And the fourth clause thereof again read Whereupon it was moved that a clause should be added in thir terms 'And that they shall be capable of any 'office civil or military and to receive any grant 'gift or right and to have command or place of 'truſt from and under the Sovereign within any 'part of Great Britain' And after debate thereupon It was put to the vote Add the above clause or Not, and it carried Not, and the clauſe as it ſtood in the draught of the act agreed to.

THEN the fifth clause of the act was also read and agreed to with some amendments.

AND the next clause being again read and amended was likewayes agreed to.

WHEREUPON the whole act was again read As also the laſt Representation & Petition of the Commiſsion of the General Aſsembly of this Church and a vote was thereupon ſtated Approve the act or Not,

Proteſtation the Lord Belhaven and others. BUT before voting the Lord Belhaven Gave in a Protestation in thir terms 'That he Did Proteſt 'in his own name and in name of all these who 'ſhall adhere to him That this act is no valid 'security to the Church of Scotland as it is now 'eſtablished by law in case of an incorporating 'Union and that the Church of Scotland can have 'no real and solid security by any manner of 'Union by which the Claim of Right is unhinged 'our Parliament incorporated and our distinct So-'vereignty and Independency. intirely abolished,' Which being read, he took instruments thereupon And the Duke of Hamilton the Duke of Atholl the Marqueſs of Annandale the Earl of Erroll the Earl Mariſchall the Earl of Wigtoun the Earl of Selkirk the Earl of Kincardin the Viscounts of Stormont and Kilsyth the Lords Oliphant Blantyre Colvil and Kinnaird, Andrew Fletcher of Saltoun John Birsbane younger of Bishoptoun Mr William Cochran of Kilmaronock Sir Humphray Colquhoun of Luſs Robert Rollo of Powhouse John Murray of Strowan Francis Molison Mr John Carruthers and George Home Adhered thereto.

MOVED That all the members should be marked as they shall Approve the act or not And also as they shall Adhere to the Proteſtation And that the liſt of the members as they shall vote pro or con, shall be printed, And agreed to.

THEN the vote was put Approve the Act or Not and it carried Approve, And the List of the members as they voted pro and con, is as follows.

APPROVERS.

Nobility

The Lord Chancellor
Marquefs of Montrose Pr. Sec. C.
Duke of Argyll
Marquefs of Tweeddale
Earls of Marr Secretary
Loudoun Secretary
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Hadington
Wemyfs
Dalhoufsie
Findlater
Leven
Northefk
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmont
Hyndfoord
Cromarty
Stair
Roseberry
Glasgow Thef^{r} Dep^{t}
Hopetoun
Delorain &
Ilay
Viscount of Garnock
Lords Forbes
Rofs
Torphichen
Fraser
Banff
Lord Regifter
Lord Juftice Clerk

Barons

Robert Dundafs of Arnistoun
Sir Robert Dickson of Inuerefk
William Nisbet of Dirletoun
John Cockburn younger of Ormiftoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Cesnock
Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglafs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
William Morison of Preftoungrange
Alexander Horseburgh of that Ilk
George Baillie of Jerviswood
John Sinclair younger of Stevenson
Sir John Johnstoun of Westerhall
William Douglafs of Dornock
Mr William Steuart of Caftlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultry
Sir Robert Pollock of that Ilk
Thomas Sharp of Houstoun
Mr John Montgomery of Wrae
John Haldane of Gleneagles
Mungo Grahame of Gorthie
Sir Thomas Burnet of Leys
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
John Forbes of Culloden
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglafs
Sir William Anstruther of that Ilk
Alexander Abercrombie of Glafsoch
William Maxwell of Cardinefs
Alexander Mackghie of Palgown
Mr James Dunbar younger of Hemprigs
Alexander Douglafs of Egilshay
Mr Alexander Abercrombie of Tullibody

Burgefses

Sir Patrick Johnstoun
John Scrimsour
John Allerdes
Lieutenent Collonell John Erskin
John Muir
Sir John Anstruther
Sir John Erskine
James Spittle
Mr Patrick Moncreif
Walter Scot
Sir Andrew Home
William Coltrane
Sir James Smollet
Mr William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr John Clerk
George Broddie
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardes
William Alves
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr Robert Douglafs

Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

THESE who in the foregoing vote, voted No, are as follows.

Nobility

Dukes of Hamilton & Atholl
Marqueſs of Annandale
Earls of Erroll
Marischall
Wigtoun
Strathmore
Selkirk
Kincardine
Viscounts of Stormont
Kilsyth
Lords Saltoun
Oliphant
Balmerinoch
Blantyre
Beilhaven
Colvill
Kinnaird

Barons

Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Patrick Home of Rentoun
Mr Alexander Fergusone of Isle
John Birsbane younger of Bishoptoun
Mr William Cochrane of Kilmaronock
Sir Humphray Colquhoun of Luſs
Robert Rollo of Powhouse
John Murray of Strowan
David Bethun of Balfour
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegie of Phinhaven
James Ogilvie younger of Boynd
Mr George Mackenzie of Inchculter

Burgeſses

Francis Molison
Robert Kellie
Mr John Lyon
Mr John Carruthers
George Home

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten of the clock.

NOVEMBER XIV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Chancellor] THE Lord Chancellor moved That albeit he had no opportunity to vote for approving the Act for security of the true Protestant Religion and government of the Church of Scotland as now by Law established yet he desired his name to be recorded as an approver and to be printed amongst these who voted Approve And the same was agreed to.

[Addreſses against the Union] THEN the following Addreſses were given in and read viz. Addreſs of Parochiners of Covingtoun Carstairs and Symontoun subscribing the same, Addreſs of the parochiners of Libbertoun Quothquan and Dunsire subscribers of the same Addreſs of the Magiſtrats Gentlemen Heretors Burgeſses and Inhabitants within the Burgh and paroch of Rutherglen subscribing the same Addreſs of the parochiners of Carnwath subscribers of the same and an Addreſs of Barons Heretors and freeholders within the Sherifdom of Lanerk subscribers of the same All against allowing an Union with England in the terms of the Articles.

[Maiden Hospital of Edinburgh] ACT in favors of the Incorporations of Edinburgh for a Maiden hospital read And a first reading ordered to be marked thereon.

[2d article of Union] THEREAFTER the second article of Union again read, Whereupon a motion was made in thir terms 'That before any vote upon the second article of Union It be insert in the Minuts as a preliminary That the aggreeing to the second article of the Treaty in relation to the Succeſsion to the Crown of Great Britain shall not be binding or have any effect unleſs terms and conditions of an Union of the two Kingdoms be finally adjusted and concluded and an act paſt thereupon in this Parliament and that the said terms and conditions be also agreed to and ratified by an Act of the Parliament of England.'

AS also a Resolve was given in in thir terms viz. 'Resolved that this House will proceed to the consideration of the articles in the Treaty which relate to trade and taxes before any of the other articles.'

WHICH being read after some debate thereupon the vote was stated Proceed to the consideration of the second article of the Union in the terms of the above motion or Proceed to the con-

sideration of the fourth and other articles of the Treaty which relate to trade and taxes.

AND before voting it was agreed that the members should be marked as they vote and that the liſt of their names should be printed accordingly.

THEN the vote was put Proceed to the second article of Union in the terms of the preliminary motion or Proceed to the fourth and other articles, And it carried Proceed to the second article of Union And the liſt of the members as they voted pro or con, is as follows.

NAMES of those who voted Proceed to the ſecond article in the terms above mentioned.

Nobility

The Lord Chancellor
Marq: Montroſe Pr: Secr. C.
Duke of Argyll
Marq: of Tweeddale
Lothian
Earls of Marr Secret:
Loudoun Secret:
Crauford
Sutherland
Rothes
Mortoun
Glencairn
Eglintoun
Abercorn
Roxburgh
Hadington
Wemyſs
Dalhouſsie
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmont
Hyndford
Cromarty
Stair
Roseberry
Glasgow Theſr Depr
Hopetoun
Delorain
Ilay
Lords Forbes
Elphinſton
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Lord Regiſter
Lord Juſtice Clerk

Barons

Robert Dundaſs of Arniſtoun
Sir Robert Dickson of Inuereſk
William Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Ceſnock
Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglaſs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Hayning
William Morison of Preſtoungrange
Alexander Horsburgh of that Ilk
George Baillie of Jerviswood
Sir John Johnstoun of Weſterhall
William Douglaſs of Dornock
Mr William Steuart of Caſtlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultrie
Sir Robert Pollock of that Ilk
John Haldan of Gleneagles
Mungo Graham of Gorthie
Sir Thomas Burnet of Leys
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
Sir Kenneth Mackenzie
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sir William Anstruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glaſsoch
William Maxwell of Cardineſs
Mr Alexander Abercrombie of Tullibody
John Bruce of Kinroſs

Burgeſses

Sir Patrick Johnstoun
John Scrimsour
Lieutenent Colonell John Erſkine
John Muir
James Scot
Patrick Bruce
Sir John Erſkine
Mr Patrick Moncrief
Walter Scot
Sr Andrew Home
William Coltrane
Sir Peter Halket
Sir James Smollet
Mr William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie

Mr John Clerk
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardes
William Alves
Mr James Bethun
Mr Roderick Mackenzie
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr Robert Douglaſs
Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

NAMES of those who voted Proceed to the consideration of the fourth and other articles of the Treaty which relate to trade and taxes.

Nobility

Dukes of Hamilton
Atholl
Marqueſs of Annandale
Earls of Erroll
Mariſchall
Buchan
Wigtoun
Strathmore
Galloway
Lauderdale
Selkirk
Viscounts of Stormont
Kilsyth
Lords Saltoun
Sempill
Oliphant
Balmerinoch
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Barons

George Lockhart of Carnwath
Sir James Foulis of Colingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Patrick Home of Rentoun
William Baillie of Lamingtoun
John Sinclair younger of Stevenſtoun
John Sharp of Hoddam
Mr Alexander Ferguson of Isle
John Birsbane younger of Biſhoptoun
Mr William Cochrane of Kilmaronock
Sir Humphray Colquhoun of Luſs
Sir John Houstoun of that Ilk
John Graham of Kilearn
Robert Rollo of Powhouse
Thomas Sharp of Houstoun
John Murray of Strowan
Sir David Ramsay of Balmain
Alexander Gordon of Pitlurg
James Moir of Stonywood
John Forbes of Culloden
Major Henry Balfour of Dunboug
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegy of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boind
Alexander Mackghie of Palgown
James Sinclair of Stemster
Mr James Dunbar younger of Hemprigs
Sir Henry Innes of that Ilk
Mr George Mackenzie of Inchculter

Burgeſses

Robert Inglis
Alexander Robertson
John Allardice
Walter Steuart
Hugh Montgomery
Alexander Edgar
John Black
James Oswald
Sir John Anstruther
Robert Johnstoun
Alexander Duff
Francis Molison
George Smyth
Robert Scot
Colin Campbell
Robert Kellie
John Hutchison
Mr William Sutherland
Archbald Sheils
Mr John Lyon
Mr Dougald Steuart
George Broddie
George Spens
Sir Robert Anstruther
Mr William Johnſtoun
Mr John Carruthers
George Home
John Bayne
John Urquhart
Mr Robert Fraser

THEN the Lord Chancellor by order of his Grace her Majesties high Commiſsioner Adjourned the Parliament till the morrow at ten of the clock.

NOVEMBER XV, M,DCC,VI.

PRAYERS said .Rolls called.

MINUTS of the laſt Sederunt read.

[Petition General Aſsembly]

REPRESENTATION and petition of the Commiſsion of the General Aſsembly of this Church representing the increase of popery profanity and other irregularities and craving the same may be restrained and that the succeſsion to the Crown may be established in the Protestant line, read, and Remitted to the Committee for Examining the calculation of the Equivalent to consider of proper methods for suppreſsing popery profanity and other irregularities and for execution of the Laws already made and to consider what laws may be further neceſsary for the effectual suppreſsing thereof and [preventing] the same.

[Addreſses against the Union]

THEN the following Addreſses were given in and read viz. Addreſs of Merchants and Trades of the City of Glasgow subscribers of the same Addreſs of fewars masters of families and other Inhabitants of Gorballs and muir thereof ſubscribing the same, Addreſs of the parochiners of Biggar subscribers of the same And two severall Addreſses of Barons heretors and freeholders of the shire of Lanerk subscribing the same All againſt allowing an incorporating Union with England in the terms of the articles.

[2d Article of Union;— Proceedings thereon]

THEREAFTER the second article of Union was again read with the preliminary motion mentioned in the former days minuts.

WHEREUPON it was moved That the Parliament do proceed to ſettle the succeſsion upon limitations and regulations in the terms of the resolve given in and narrated in the minuts of the fourth of November inſtant and not in the terms of the second article of Union.

MOVED also to Addreſs her Majesty and to lay before her the condition of the Nation and the great aversion in many persons to an incorporating Union with England and to acquaint her Majeſty of the inclinations and willingneſs to settle the ſucceſsion in the Protestant Line upon Limitations and in order thereto that some receſs be granted.

AND after debate upon these several motions a vote was proposed Approve of the second article of Union in the terms of the preliminary motion inserted in the former days minuts or Not.

AND after some further debate there was a second ſtate of a vote offered in thir terms Addreſs or Not.

AND after some reasoning which of the two should be the ſtate of the vote It was put to the vote Whither firſt or second and it carried first.

BUT it being moved that some further reasoning should be allowed before the vote were stated for Approving the second article of Union After some debate thereupon It was agreed that the Engliſh Acts of Parliament mentioned in the second article of Union be read and that immediatly thereafter without further debate a vote should be stated Proceed to call the vote for approving the second article of Union or Delay And if it carried Proceed that the vote immediatly thereafter without any interveening debate be put, Approve of the second article of Union in the terms of the preliminary motion mentioned in the laſt days Minuts or Not.

AND accordingly the Acts of the English Parliament mentioned in the ſecond article of Union were read.

THEREAFTER the vote was put Proceed to call the vote for approving the said second article of Union or Delay and it carried Proceed.

THEN the vote was put Approve the second article of Union in the terms of the preliminary motion inserted in the laſt days minuts Yea or Not.

Protestation the Earl Mariſchall and others

BUT before voting the Earl Mariſchal gave in the following Protest whereby 'He did Proteſt for 'himſelf and all these who shall adhere to this pro- 'testation That no person can be designed a Suc- 'ceſsor to the Crown of this Realm after the de- 'cease of her Majeſty, whom God long preserve, 'and failgieing heirs of her body who is succeſsor 'to the Crown of England unleſs that in this pre- 'ſent Seſsion of Parliament or any other Seſsion 'of this or any ensueing Parliament during her 'Majeſties Reign there be such Conditions of 'Government settled and enacted as may secure 'the Honour and Sovereignty of this Crown & 'Kingdom the freedom frequency and power of 'Parliament the Religion liberty and trade of the 'Nation from English or any forreign influence,' Which being read he took inſtruments thereupon And the Dukes of Hamilton & Atholl the Earls of Erroll Wigtoun and Strathmore the Viscounts of Stormont and Kilsyth the Lords Saltoun Sempill Oliphant Balmerinoch Blantyre Bargany Colvill and Kinnaird George Lockhart of Carnwath Andrew Fletcher of Saltoun Mr Alexander Ferguson of Isle John Birsbane younger of Biſhoptoun Mr William Cochran of Kilmaronock John Grahame of Killearn James Graham of Buchlivie Robert Rollo of Powhouse John Murray of Strowan James Moir of Stonywood Mr Thomas Hope of Rankeillor Mr Patrick Lyon of Auchterhouſe Mr James Carnegie of Phinhaven David

Graham younger of Fintrie James Ogilvie younger of Boynd James Sinclair of Stempſter Mr George Mackenzie of Inchculter Alexander Edgar James Oswald Alexander Duff Francis Molison George Smyth Robert Scot Robert Kellie John Hutchison Archbald Sheills Mr John Lyon Mr John Carruthers George Home John Bayne and Mr Robert Fraser adhered thereto.

[List of Voters to be printed] AND it was agreed That the Members be marked as they ſhall adhere to the proteſt And alſo as they ſhall vote Approve or Not, And that the liſt of the members names as they ſhall vote pro or con be printed.

[2d Article approved] THEN the vote was put Approve or Not and it carried Approve.

AND the Lord Chancellor was allowed to have his name Printed and Recorded as an approver, As alſo to be recorded and printed amongſt thoſe who voted Proceed to the second article the laſt Sederunt And so the Liſt of the members as they voted Approve of the second article in the terms of the preliminary motion is as follows.

APPROVERS of the second Article in the terms of the preliminary motion.

Nobility

The Lord Chancellor allowed to be recorded as *above*
Marq: Montrose Pr. Secr. C
Duke of Argyll
Marq: of Tweeddale
Lothian
Annandale
Earls of Marr Secretar:
Loudoun Secretar:
Crauford
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Eglinton
Abercorn
Roxburgh
Haddington
Wemyſs
Dalhouſsie
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmont
Hyndfoord
Cromarty
Stair
Roseberry
Glasgow Thesr Depe
Hopetoun
Delorain
Ilay
Viſcount of Garnock
Lords Forbes
Elphinſtoun
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Lord Regiſter
Lord Juſtice Clerk

Barons

Robert Dundaſs of Arniſtoun
Sir Robert Dickson of Inveresk
William Nisbet of Dirletoun
John Cockburn younger of Ormistoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Ceſnock
Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglaſs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
William Morison of Preſtoungrange
George Baillie of Jerviswood
Sir John Johnstoun of Weſterhall
William Douglaſs of Dornock
Mr William Steuart of Caſtlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultrie
Sir Robert Pollock of that Ilk
John Haldan of Gleneagles
Mungo Grahame of Gorthie
Sir Thomas Burnet of Leyes
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
Sir Kenneth Mackenzie
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sir William Anſtruther of that Ilk
William Maxwell of Cardineſs
Alexander Douglaſs of Egilshay
John Bruce of Kinroſs.

Burgeſses

Sir Patrick Johnſtoun
John Scrimsour
Lieut Colonel John Erſkine
Hugh Montgomery

John Muir
James Scot
Patrick Bruce
Sir John Anſtruther
Sir John Erſkine
James Spittle
Mr Patrick Moncrief
George Monro
Walter Scot
Sir Andrew Home
William Coltrane
Sr Peter Halket
Sir James Smollet
Mr William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sr Alexander Ogilvie
Mr John Clerk
John Roſs
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardes
William Alves
Mr James Bethun
John Urquhart
Sir James Steuart
Daniel Campbell
Sr Robert Forbes
Mr Robert Douglaſs
Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

THE Voters againſt Approving the Second Article in the terms of the said Motion.

Nobility

Dukes of Hamilton
Athol
Earls of Erroll
Marischall
Wigtoun
Strathmore
Galloway
Viscounts of Stormont
Kilsyth
Lords Saltoun
Sempill
Oliphant
Balmerinoch
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Barons

George Lockhart of Carnwath
Andrew Fletcher of Saltoun
Alexander Horseburgh of that Ilk
Mr Alexander Ferguson of Isle
John Birsbane younger of Biſhoptoun
Mr William Cochran of Kilmaronock
Sir Humphray Colquhoun of Luſs
Sir John Houstoun of that Ilk
John Grahame of Killearn
James Grahame of Buchlivie
Robert Rollo of Powhouse
John Murray of Strowan
Alexander Gordon of Pitlurg
James Moir of Stonywood
David Bethun of Balfour
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boynd
James Sinclair of Stempſter
Sir Henry Innes younger of that Ilk
Mr George Mackenzie of Incheulter

Burgeſses

Alexander Edgar
John Black
James Oswald
Alexander Duff
Francis Molison
George Smyth
Robert Scot
Robert Kellie
John Hutchison
Archbald Sheils
Mr John Lyon
Mr Dougald Steuart
Mr John Carruthers
George Home
John Bayne
Mr Robert Fraser.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Munday next at ten a clock.

NOVEMBER XVIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the following Addreſses were given in and read viz. Addreſs of Barons freeholders and others within the Steuartry of Kirkcudbright ſubscribing the same Addreſs of heretors and Householders of the paroch of Crauford subscribers of the same, Addreſs of heretors and Householders of the paroch of Crauford-John subscribing the same Addreſs of the Magiſtrats Dean of Guild Theſr, Guild Councill Deacons of trades members of the Toun Councill of

the Burgh of Couper in Fyfe and others Gildry trades and Burgeſses of the said Burgh subscribers of the same Addreſs of the Presbitry of Lanerk subscribing the same and an Addreſs of Heretors Elders and Masters of families in the Toun and out paroch of Lanerk subscribers of the same All againſt an Union with England in the terms of the articles.

[3d Article of Union;—Proceedings thereon]

THEREAFTER the third article of Union was again read.

WHEREUPON it was moved that the agreeing to the third article of the treaty in relation to the Parliament of Great Britain shall not be binding or have any effect unleſs terms and conditions of an Union of the two Kingdoms and particularly the Constitution of the said Parliament be finally adjuſted and concluded and an Act paſs thereupon in this Parliament and that the said terms and conditions be also agreed to and ratified by an Act of the Parliament of England the Constitution of the said Parliament of Great Britain being left intire untill the Parliament come upon the twenty fecond article.

MOVED also to proceed to the consideration of the fourth and other articles of Union before the third, and

AFTER some reasoning thereupon it was put to the vote Proceed to the consideration of the third article in the terms of the above motion relating thereto or Proceed to the fourth article And it carried Proceed to the third.

AND accordingly the Parliament proceeded to the consideration of the third article and after long debate thereupon a vote was stated Approve of the third Article in the terms of the above motion, relateing thereto Yea, or No.

BUT before voting the Marqueſs of Annandale gave in a proteſt upon the foot of his former Resolve presented to this house and contained in the Minut of the fourth of November instant And craved that the narrative thereof might be prefixed thereto And which narrative and Proteſt is as follows viz.

Protestation the Marqueſs of Annandale and others

'WHEREAS it evidently appears since the printing publishing and considering of the Articles of treaty now before this houſe this Nation seems generally averse to this Incorporating Union in the terms now before Us as ſubversive of the Sovereignty fundamental constitution and Claim of Right of this Kingdom and as threatning ruin to this Church as by Law eſtabliſhed And since it is plain That if an Union were agreed to in these terms by this Parliament and accepted of by the Parliament of England it would in no sort answer the peaceable and friendly ends proposed by an Union but would on the contrary creat such dismall distractions and animosities amongst our selves and such jealousies and miſtakes betwixt Us and our neighbours as would involve these Nations into fatal breatches and confusions Therefore I do Protest for my self and in name of all these who shall adhere to this my protestation That an incorporating Union of the Crown and Kingdom of Scotland with the Crown & Kingdom of England and that both Nations shall be represented by one and the same Parliament as contained in the articles of the treaty of Union is contrare to the honour intereſt fundamental Laws and constitution of this Kingdom, is a giving up the Sovereignty, the Birthright of the Peers the rights and privileges of the Barons and Burrows, and is contrare to the Claim of Right property and liberty of the Subjects and third Act of her Majesties Parliament Imo vijco and three By which it is declared high treason in any of the Subjects of this Kingdom to quarrell or endeavour by writing malicious and advised speaking or other open act or deed to alter or innovat the Claim of Right or any article thereof As also that the Subjects of this Kingdom by surrendering their Parliaments and Sovereignty are deprived of all security both with respect to such rights as are by the intended treaty stipulated and agreed and with respect to such other rights both Ecclesiastick and Civil as are by the same treaty pretended to be reserved to them And therefore I do Protest That this shall not prejudge the being of future Scots Parliaments and Conventions within the Kingdom of Scotland at no time coming.'

[List of Voters to be printed]

AFTER reading whereof he took instruments thereupon And it was agreed that at calling the rolls the Adherers to the protest shall be so marked And also that the haill members be marked as they shall vote Approve or Not And that a liſt of their names as they shall vote pro or con shall be printed, And the Lord Chancellor was allowed to have his name printed and recorded as an approver.

[3d Article approved]

THEN the vote was put Approve of the third article in the terms of the motion relating thereto or Not And it carried Approve And the Dukes of Hamilton and Atholl the Earls of Errol Marischall Strathmore and Selkirk the Viscounts of Stormont and Kilsyth, the Lords Sempill Saltoun Oliphant Balmerinoch Blantyre Bargany Belhaven Colvill and Kinnaird, George Lockhart of Carnwath Sir James Foulis of Colingtoun Sir John Lauder of Fountainhall Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus Mr Alexander Ferguson of Isle John Birsbane younger of Bishoptoun Mr William Cochran of Kilmaronock James Graham of Buchlivie Robert Rollo of Powhouse John Murray of Strowan James Moir of Stony-

wood John Forbes of Culloden David Bethun of Balfour Major Henry Balfour of Dunboug Mr Thomas Hope of Rankeillor Mr Patrick Lyon of Auchterhouse Mr James Carnegie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boynd Alexander Mackghie of Palgown Mr George Mackenzie of Inchculter Alexander Robertson Walter Steuart Alexander Watson Alexander Edgar James Oswald Francis Molison Robert Scot Robert Kellie John Hutchison Archbald Sheills Mr John Lyon Mr John Carruthers George Home John Bayne and Mr Robert Fraser Adhered to the protest given in by the Marquefs of Annandale, And the lift of the members as they voted Approve of the third article in the terms of the motion, or Not, follows.

APPROVERS of the third Article of Union in the terms of the motion relating thereto.

Nobility

The Lord Chancellor allowed as said is to be recorded as an Approver
Marquefs of Montrose Pres: Secr. C.
Duke of Argyll
Marquefses of Tweeddale
Lothian
Earls of Marr Secretary
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Hadington
Wemyfs
Dalhoufsie
Findlater
Leven
Northefk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmoir
Marchmont
Hyndford
Cromarty
Stair
Roseberry
Glasgow Thesaurer Depr.
Delorain
Ilay
Vifcount of Garnock
Lords Forbes
Elphinfton
Rofs
Torphichen
Cranstoun
Fraser
Banff
Elibank
Duffus
Rollo
Lord Register
Juftice Clerk

Barons

Sir Robert Dickson of Inueresk
William Nisbet of Dirleton
John Cockburn younger of Ormistoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Cesnock
Sir William Kerr of Greenhead
Archbald Douglafs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Hayning
William Morison of Preftoungrange
George Baillie of Jerviswood
Sir John Johnftoun of Weſterhall
William Douglafs of Dornock
Mr William Steuart of Caftlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultry
Sir Robert Pollock of that Ilk
Mr John Montgomery of Wrae
John Haldane of Gleneagles
Mungo Grahame of Gorthie
Sir Thomas Burnet of Leyes
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
Hugh Rofs of Kilravock
Sir Kenneth Mackenzie
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglafs
Sir William Anstruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glafsoch
Alexander Douglafs of Egilshay
John Bruce of Kinrofs

Burgefses

Sir Patrick Johnstoun
John Scrimsour
Lieutenent Colonel John Erskine
John Muir
James Scot
Patrick Bruce
Sir John Anstruther
Sir John Erskine
James Spittle
Mr Patrick Moncrief
Sir Andrew Home
Sir Peter Halket
Sir James Smollet

Mr William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr John Clerk
John Roſs
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardes
William Alves
Mr James Bethun
Mr Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr Robert Douglaſs
Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

THE Voters againſt Approving the third Article in the terms of the sd motion.

Nobility

Dukes of Hamilton
Atholl
Marqueſs of Annandale
Earls of Erroll
Marifchall
Buchan
Eglintoun
Wigtoun
Strathmore
Galloway
Selkirk
Viscount of Stormont
Kilsyth
Lords Saltoun
Semple
Oliphant
Balmerinoch
Blantyre
Bargeny
Belhaven
Colvill
Kinnaird.

Barons

George Lockhart of Carnwath
Sir James Foulis of Colingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir Patrick Home of Rentoun
Sir Gilbert Elliot of Minto
William Baillie of Lamington
John Sinclair younger of Stevenstoun
John Sharp of Hoddam
Mr Alexander Ferguson of Isle
Sir Hugh Cathcart of Carletoun
John Birsbane younger of Biſhoptoun
Mr William Cochran of Kilmaronock
Sir John Houstoun of that Ilk
James Grahame of Buchlivie
Robert Rollo of Powhouse
John Murray of Strowan
James Moir of Stonywood
John Forbes of Culloden
David Bethun of Balfour
Major Henry Balfour of Dunboug
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boynd
William Maxwell of Cardineſs
Alexander Mackghie of Palgown
James Sinclair of Stempster
Sir Henry Innes younger of that Ilk
Mr George Mackenzie of Inchculter

Burgeſses

Robert Inglis
Alexander Robertson
John Allardes
Walter Steuart
Alexander Watson
Hugh Montgomery
Alexander Edgar
James Oswald
Robert Johnstoun
Alexander Duff
Francis Molison
Walter Scot
William Coltrane
George Smyth
Robert Scot
Robert Kellie
John Hutchison
Mr William Sutherland
Archbald Sheils
Mr John Lyon
Mr Dougald Steuart
George Broddie
George Spens
Sir Robert Anstruther
Mr William Johnſtoun
Mr John Carruthers
George Home
John Bayne
Mr Robert Fraser

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER XIX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Maiden Hospital of Edin^r^]

ACT in favors of the Incorporations of Edinburgh for a Maiden Hospital read for a second time and voted and approven.

[Repreſentation as to a Tumult in Edinb^r^, & proceedings thereon]

THE Lord Chancellor acquainted the Parliament That last night His Grace her Majesties high Commiſsioner in his return to the Palace was insulted by a number of people of the meaner sort with stones which was an high affront both to her Majesties high Commiſsioner and to the Parliament and therefore moved That the Parliament may give the neceſsary orders not only to find out such as have been guilty as actors or abettors therein but to prevent the like in time comeing, And after some reasoning on the said representation and motion;

IT was agreed to Remit to the Committee nominat for Examining the calculation of the equivalent to inquire into the matter of this insult and to endeavour to find out the actors and abettors if any be with power to the said Committee to promise Indemnities and rewards for discoverers and to seize and imprison any person whom they shall have ground to suspect to be guilty as actors or abettors and to call for the Magiſtrats and neighbours in Edinburgh for information and to report to the Parliament what information and discovery they shall make of the said insult or of any other as also to report their opinion what meaſures may be proper for preventing the like in time coming and the Committee appointed to meet the first intervall day of Parliament at nine of the clock.

THE Parliament did likeways Recommend to the Lord High Constable to proſecute furthwith these persons who were imprisoned on account of a former tumult And Ordained the Magistrats of Edinburgh to furnish what probation they can to the fiſcal of the Conſtables court againſt ſuch as were ſo impriſoned.

[Addreſs against the Union]

ADDRESS of the Baillies Councillors and Citizens of Saint Andrews subscribing the same againſt an Union with England in the terms of the articles given in and read.

PETITION for the Laird of Grant elder Craving a Remit to the Lords of Seſsion in place of the Commiſsion for valuation of teinds for determining an action to be raised by him in relation to the teinds of Pluscardin again read and no answers being given in thereto as also the Ministers and Heretors of Elgine being publickly called The Parliament Remitted the determination of the above action to the Commiſsion for plantation of Kirks and valuation of teinds in case any such Commiſsion shall be named and failzieing the said nomination to the Lords of Seſsion.

Remit in favors of the Laird of Grant

AT EDINBURGH the nineteenth day of November one thousand seven hundred and six years Her Majesties high Commiſsioner and the Estates of Parliament having heard the petition of Ludovick Grant of that Ilk Humbly Shewing unto them That the petitioners lands of Pluscarden which before the Reformation did belong to the Abbacy of Elgine and Cistertian order were fewed out with the parsonage teinds included and never seperated from the stock And thus the right both of stock and teind have come by progreſs to the petitioner so as his teinds ought not to be burdened with augmentation of stipends as long as there is sufficiency of other teinds within the paroch for that purpose Notwithstanding whereof the Ministers of Elgine having pursued for a modification and locality before the Commiſsion of the Plantation appointed by the Parliament in the late King William's Reign they in the hurry of the end of a Seſsion while the petitioner was out of Toun did obtain a Locality periculo petentis by which the petitioner is extremely leſed being not only wholly free in law but likewayes overburdened even according to a proportionall And the Commiſsion having some notice thereof were so just as expreſsly to Declare before extract That the same should be without prejudice to the Heretors overburdened to obtain relief from others conform to their respective rights providing that this should not stop the Ministers payment till a new decreet resettling the Locality should be delivered by the Complainers to the Ministers Hereupon the Petitioner is under great hardship for however the said Commiſsion might have continued yet de facto they have not sitten since the calling of this present Parliament and thereby the petitioner is precluded of his redreſs either as to bygones or in time coming nor can the Lords of Seſsion suspend in respect of the quality of the decreet nor can they rectifie the same without a special remit, And this being a special case founded in jure and even upon the conception of the decreet of locality itself which is proper before the Seſsion if his Grace and their Lordships did not take some generall course Craving therefore his Grace and the honourable Estates to remit to the Lords of Seſsion the giving redreſs to the petitioner the same way as he might have had before a Commiſsion both as to bygones and in time coming upon his raising proceſs before the Seſsion against those interested for that effect,

as the said petition bears. Upon hearing whereof on the ninth day of November instant Her Majesties high Commiſsioner and the Estates of Parliament had ordained the same to be seen and answered by any party concerned the laſt Sederunt of Parliament of the week then next following with certification &c. And her Majesties said Commiſsioner having this day fully considered the said petition and being well and ripely advised therewith and the above Miniſters and heretors being publickly called in presence and no answer given The said High Commiſsioner and Eſtates foresaid Remitted and hereby Remit to the Commiſsion for plantation of kirks and valuation of teinds if any such shall be appointed before intenting the proceſs And if no Commiſsion be so named to the Lords of Seſsion to give due redreſs to the petitioner and administer juſtice to him in the matter represented upon legal citation at his inſtance againſt all parties having intereſt for that effect.

[Sir Pat. Home ag^{t} the Earl of Home]

PETITION Sir Patrick Home of Rentoun against the Earl of Home Craving a Remit to the Lords of Seſsion for determining a reduction upon a protest for remede of law at his instance of a decreet obtained against him by the Earl of Home read, and the Earl of Home ordained to see and answer the same.

[4th Article of Union read]

THEREAFTER it was moved that the Parliament proceed to the fourth article of the Union.

MOVED also that before proceeding to the consideration of the fourth article a clause be added to the third article in thir terms, And that the said Parliament of Great Britain shall meet and sit once in three years at least in that part of Great Britain now called Scotland,

AND after some debate thereupon the consideration of the said additional clause delayed till the Parliament come to the twenty second article.

THEN the fourth article of the Union was read, and after some discourse thereupon the further consideration thereof was delayed till the next Sederunt of Parliament and the consideration thereof delayed to be then resumed previous to all other buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thursday next at ten of the clock.

NOVEMBER XXI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of Heretors, Burgeſses, Minister, and other Inhabitants of the Toun of Paisley subscribers of the same, against an Union with England in the terms of the Articles, given in and read. [Addreſs against the Union]

THE fourth article of Union again read. [4th Article of Union approved]

WHEREUPON it was moved to take the several branches of trade to be communicat into consideration That it may thereby appear how far the communication of trade shall be advantageous And after reasoning thereupon

THE vote was stated Approve of the fourth article Reserving the consideration of the several branches of trade till the Parliament come to the subsequent articles, Yea or Not.

AND it was agreed that the members shall be marked as they shall vote Approve or Not And that the list of their names as they shall vote pro or con be recorded and printed. [List of Voters to be printed]

THEN the vote was put Approve or Not and it carried Approve And the list of the members as they voted pro or con is as follows.

APPROVERS of the fourth Article of Union Reserving the consideration of the several Branches of trade till the Parliament come to the subsequent Articles.

Nobility

Marqueſs of Montrose Pres. Secr. C.
Duke of Argyle
Marqueſses of Tweeddale
Lothian
Earls of Marr Secretary
Loudon Secretary
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Haddington
Galloway
Wemyſs
Dalhouſsie
Findlater

Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndfoord
Cromarty
Stair
Roseberry
Glasgow Thesaurer depute
Hopeton
Delorain
Ilay
Viscount of Garnock
Lords Forbes
Elphinston
Rofs
Torphichen
Cranstoun
Fraser
Banff
Elibank
Rollo
Lords Regifter
Juftice Clerk

Barons

Sir Robert Dundafs of Arnistoun
Sir Robert Dickson of Inueresk
George Lockhart of Carnwath
Sir John Lauder of Fountainhall
William Nisbet of Dirletoun
John Cockburn younger of Ormiston
Sir John Swinton of that Ilk
Sir Alexander Campbell of Cesnock
Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archbald Douglafs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Hayning
William Morison of Prestoungrange
Alexander Horseburgh of that Ilk
William Baillie of Lamingtoun
George Baillie of Jerviswood
William Douglafs of Dornock
Mr William Steuart of Caftlesteuart
Mr John Steuart of Sorbie
Mr Francis Montgomery of Giffin
Mr William Dalrymple of Glenmuir
John Birsbane younger of Bifhopton
Mr Robert Steuart of Tillicultry
Sir John Houstoun of that Ilk
Sir Robert Pollock of that Ilk
Thomas Sharp of Houstoun
Mr John Montgomery of Wrae
John Haldan of Glencagles
Mungo Grahame of Gorthie
Sir Thomas Burnet of Leyes
Sir David Ramsay of Balmain
Alexander Gordon of Pitlurg
William Seton younger of Pitmedden
James Moir of Stonywood
Alexander Grant younger of that Ilk
Hugh Rofs of Kilravock
John Forbes of Cullodden
Sir Kenneth Mackenzie
Mr Æneas Mackleod of Cadboill
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglafs
Sir William Anstruther of that Ilk
Major Henry Balfour of Dunboug
James Halyburton of Pitcurr
David Grahame of Fintrie
Alexander Abercrombie of Glafsoch
William Maxwell of Cardineſs
Sir Henry Innes of that Ilk
James Sinclair of Stempſter
Alexander Douglafs of Egilshay
Mr Alexander Abercrombie of Tullibody
John Bruce of Kinrofs

Burrows

Sir Patrick Johnstoun
Robert Inglis
Alexander Robertson
John Scrimsour
John Allardyce
Lieutenent Colonell John Erfkine
Walter Steuart
Alexander Watson
Hugh Montgomery
John Muir
James Scot
Patrick Bruce
Sir John Anstruther
Robert Johnstoun
Alexander Duff
Sir John Erskine
James Spittle
Mr Patrick Moncrief
George Monro
Walter Scot
Sir Andrew Home
William Coltrane
Sir Peter Halket
Sir James Smollet
Coline Campbell
Mr William Carmichael
Mr William Sutherland
Archbald Shiells
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr John Clerk
Mr Dougald Steuart

John Roſs
George Broddie
George Spens
Sir Hugh Dalrymple
Sir Robert Anstruther
Mr Patrick Ogilvie
Mr William Johnstoun
George Allardyce
William Alves
George Home
Mr James Bethun
Mr Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr Robert Douglaſs
Mr Alexander Maitland
Mr George Dalrymple
Mr Charles Campbell

THE Voters against Approving the fourth Article of Union in the terms abovementioned.

Nobility

Earls of Erroll
Marischall
Wigtoun
Strathmore
Selkirk
Viscount of Stormont
Lords Semple
Oliphant
Blantyre
Bargany

Barons

Sir James Foulis of Colingtoun
Andrew Fletcher of Saltoun
Sir Hugh Cathcart of Carletoun
Mr William Cochran of Kilmaronock
John Murray of Strowan
David Bethun of Balfour
Mr Patrick Lyon of Auchterhouse
James Ogilvie younger of Boynd

Of the Burgeſses

Francis Molison

[5th Article of Union;—Proceedings thereon]

THEREAFTER the fifth article of Union was read Whereupon a proposal was given in for explaining and inlargeing the same in thir terms 'That all ships or veſsells belonging to her Majes-'ties subjects of Scotland at the time of ratifying 'the treaty of Union of the two Kingdoms in the 'Parliament of Scotland tho forreign built shall 'be deemed and paſs as Ships of the build of Great 'Britain, the owner, or where there are more 'owners, one or more of the owners within twelve 'months after the Union making oath that at the 'time of ratifying the treaty of Union in the Par-'liament of Scotland the same did in haill or in 'part belong to him and them or to some other 'subject or subjects in Scotland to be particularly 'named with the place of their respective abodes 'and that the same doth then at the time of the 'said deposition wholly belong to him or them 'and that no forreigner directly nor indirectly hath 'any share part or intereſt therein' Which being read it was moved that six months more time be added to the time allowed by the proposal for purchaseing ships or veſsells.

AND after some reasoning thereupon the further consideration thereof was delayed till next Sederunt of Parliament, to be then resumed previous to all other buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Saturday next at ten of the clock.

NOVEMBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union]

THEN the following Addreſses were given in and read viz. Addreſs of the Heretors and several other persons in the Barony paroch of Glasgow subscribers of the same Addreſs of Heretors Magistrats Toun Councill and other inhabitants within the Toun and paroch of Culroſs in Perthshire and Heretors Elders and other Inhabitants within the parochines of Saline Carnock and Torie in Fyfeshire subscribing the same, Addreſs of the Provost Baillies, Toun Council and other Inhabitants of the Burgh of Stirling subscribing the same, Addreſs of the Barons, freeholders and others within the Steuartry of Annandale subscribing the same and Addreſs of the Magistrats Toun Council Gildbrethren Deacons of Crafts and other Burgeſses tradesmen and Inhabitants within the Burgh of Inuerkeithing subscribers of the same, All against an Union with England in the terms of the Articles.

[5th Article of Union;—Proceedings thereon]

THEREAFTER the fifth article of Union again read with the proposal for amending explaining and inlargeing the same insert in the former days minuts, and altered thus viz. 'That all ships or 'veſsells belonging to her Majesties subjects of 'Scotland at the time of ratifieing the treaty of 'Union of the two Kingdoms in the Parliament 'of Scotland tho forreigne build shall be deemed 'and paſs as ships of the build of Great Britain, 'the owners or where there are more owners, one

' or moe of the owners within twelve months after ' the first day of May next making oath that at the ' time of ratifieing the Union in the Parliament of ' Scotland the same did in haill or in part belong to ' him or them or to some other subject or subjects ' of Scotland to be particularly named, with the ' place of their respective abodes and that the same ' doth then at the time of the said deposition ' wholly belong to him or them and that no for- ' reigner directly or indirectly hath any share part ' or interest therein'.

AND after some reasoning thereon there was a second proposal given in for amending the article in these terms, ' That all ships and vefsels belonging ' to her Majesties subjects of Scotland at the time ' of ratifieing the treaty of Union of the two King- ' doms in the Parliaments of both Kingdoms &c'.

AND after some debate the vote was stated Approve of the first paragraph of the fifth Article with the First amendment or Second and it carried Approve with the first amendment.

THEREAFTER the rest of the said fifth article of Union was read, And a proposal given in for adding a clause in these terms ' That for the space ' of seven years from and after the concluding the ' treaty of Union in both Kingdoms It is expreſsly ' agreed that none of the seamen or mariners ' aboard any of the ships belonging to that part ' of United Britain now called Scotland shall either ' at home or abroad be preſsed from aboard their ' said ships to serve in any of her Majesties ships of ' warr or friggots, and in case after the said seven ' years it shall happen that there be a levy of sea- ' men in United Britain for serving in the British ' fleet, that the said part of United Britain now ' called Scotland shall only be burdened with such ' a proportion as our taxes bear in proportion to ' that part of United Britain now called England ' but prejudice to the officers of her Majesties ships ' or fleet to ingage as many volunteer Seamen in ' their service as they can aggree with in this part ' of United Britain, and this article to be unalter- ' able in any subsequent British Parliament'.

WHICH being read, after some reasoning thereupon It was put to the vote Add the second clause or Not and it carried Not.

[5th Article approved] THEREAFTER the rest of the fifth Article being again read, the vote was put Approve thereof or Not, and it carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten of the clock.

NOVEMBER XXVI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the following Addreſses were given in and read viz. Addreſs of the Barons freeholders and others within the Sheriffdom of Roxburgh subscribers of the same, Addreſs of the Magiſtrats Toun Councill and others Inhabitants of the Burgh of Annand subscribing the same Addreſs of the Magiſtrats Toun Council and others Inhabitants of the Burgh of Lochmeben subscribers of the same and an Addreſs of the paroch of Lasmahago subscribers of the same All against an Union with England in the terms of the Articles. [Addreſses against the Union]

THEREAFTER an overture for an act for encouraging the exportation of victual read and ordered to be printed. [Exporting of victual &c.]

AS also another Overture for an act for encouraging the export of victual fishes beef and pork was given in and ordered to be printed.

THEREAFTER a petition and draught of an act in favors of the burgh of Dundee for an imposition of two pennies Scots upon the pint of all ale and beer brown and vended within the bounds and for the ends therein mentioned both read and a first reading ordered to be marked on the act. [Burgh of Dundee]

AS also a petition of the Magistrats Toun Council and Community of the Burgh of Aberdeen and a draught of an act in their favors for continueing an imposition on wine and ale &c. granted to them by a former act, And a firſt reading ordered to be marked on the act. [Burgh of Aberdeen]

AS also the following draughts of Acts were given in and read viz. Act in favors of the Burgh of Kirkcaldie, Act in favors of the Toun of Borrowstounneſs, Act in favors of the Burgh of Dysert, Act in favors of the Burgh of Burntisland, Act in favors of the Burgh of Saint Andrews Act in favors of the Burgh of Kinghorn and Act in favors of the Burgh of Elgine All for an imposition of two pennies Scots upon the pint of all ale and beer to be brown and vended within the respective bounds and for the ends therein mentioned, and a first reading ordered to be marked on each of the said acts. [Acts in favours of the Burghs of Kirkcaldy &c. read]

PETITION for the Lord Duffus craving a competent time to enter heir cum beneficio inventarii to his father read, and a vote being stated Grant

the desire of the petition or Not it carried Grant, And the petitioner was allowed to enter heir at any time within six months from this date conform to an Interloquitor on the petition as follows.

Act in favor of the Lord Duffus

HER Majesties high Commiſsioner and the Estates of Parliament having heard the petition of Kenneth Lord Duffus Humbly Shewing unto them That where by the twenty fourth Act of the fifth Seſsion of King William's Parliament It is Statute and Ordained that all apparent heirs shall have free liberty and acceſs to enter heir to their predeceſsors cum beneficio Inventarii Providing the apparent heir give up inventories within the year and day prescribed by Law for apparent heirs to deliberat, Which benefite of entering by inventory the petitioner had embraced but that he was neceſsarly hindered being out of Europe upon the Queen's service and that his father the late Lord Duffus is not above fifteen months dead It is not above seven months since the petitioner could know of his death, The petitioner does still incline to make use of the benefite of this law Yet seeing there may afterwards some scrouple arise because year and day is elapsed he is forced to give his Grace and the honourable Estates of Parliament the trouble of the said petition That they may please to prorogat the year and day prescribed in the act and allow the petitioner to enter cum beneficio in terms of the same which he humbly expects His Grace and the honourable Estates of Parliament would grant Considering primo That the petitioner was neceſsarly absent in the West Indies in her Majesties service Secundo That the late Lord Duffus died in September I^{co} vij^{ce} and five And that it is not above seven months since the petitioner could have known of his death which is the only time that prescription should begin against the petitioner Tertio The Parliament was pleased to grant the Earl of Buchan the like priviledge tho his Lordships case was not quite so favourable And Lastly That no person whatsoever can pretend any prejudice or harm by the petitioner's entering heir in manner foresaid Seeing by the form prescribed in that act all fraud is sufficiently cautioned against And Therefore Craveing His Grace and the honourable Estates of Parliament to allow the petitioner to enter cum beneficio Inventarii in the terms of the foresaid Act of Parliament as the said petition bears And Her Majeſties high Commiſsioner and the said Eſtates of Parliament having fully considered the said petition and being therewith well and ripely advised They allowed and hereby allow the petitioner to enter heir cum beneficio inventarii any time within the space of Six months from the date present Declaring the same as effectuall to all legal intents as if he entered within the year and day of his fathers decease, And Ordained and hereby Ordain this case to be a particular exception in the petitioner's favor from the Act Salvo Jure to be past in this Seſsion of Parliament.

[Kings College of Aberdeen]

PETITION for the Chancellor, Rector, Principal, Profeſsors and Maſters of the Kings College of Aberdeen Craving a provision for a Profeſsor of Mathematicks in the said College read, As also an overture for an act in their favors for a fourth part of a months ceſs to be a fund for a sallary to the said Profeſsor also read, and the overture ordered to be printed.

PETITION for George Lockhart of Carnwath for altering a high way in order to his incloseing of ground for a convenient park read, and the deſire thereof Granted and the petitioner allowed to alter the said high way conform to the deliverance on the petition, Which is as follows.

Act in favor of George Lockhart of Carnwath

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of George Lockhart of Carnwath Humbly Shewing unto them That whereas the petitioner designing to inclose a large piece of ground at Anston in the paroch of Dunsyre in the upper waird of Clidesdale will be mightily obstructed in his said designe by a high way which paſses through the same and since the said high way is only a privat road being a nearer cut towards Lanerk than the principal high way and that by throwing the said high way about the said designed inclosure it will not be above half a mile further than at present and the new proposed road to be made at the sheriffs sight by the petitioner as good as at present and that no detriment can arise to any person since the whole ground does belong to the petitioner except a small piece which belongs to one of his Vaſsalls whose damnages thereby the petitioner is willing at the sheriffs sight to repair The petitioner did Therefore earnestly beg and entreat That his Grace and honourable Eſtates would be pleased to allow and order the said alteration of the said high way, upon the petitioner's, at the sight of the sheriff, making as good and sufficient a road as at present and repairing all damnages that may arise to any other person by the said high way's paſsing through and prejudiceing their grounds, as has lately been allowed to the Earl of Melvill, the Lord Roſs, and Sir David Cunninghame as the said petition bears. And Her Majesties high Commiſsioner and the said Estates of Parliament having fully considered the said petition and being well and ripely advised therewith They Granted and hereby Grant the deſire thereof And Allowed and hereby Allow the petitioner to alter the way abovementioned He always making the same as good and sufficient a road as the present way is And repairing all parties damnages through whose grounds the said

way shall go and that at the sight of the sheriff of the Shire.

[6th Article of Union;—Proceedings thereon]

THEN the sixth Article of the Union was read, and after some reasoning thereon there was a proposal given in for adding the following clause to the end of the sixth Article viz. 'Except in so far 'as shall be rectified by this Parliament upon the 'consideration of the subsequent articles.'

WHICH being read and discoursed upon There was another proposal given in for enlarging and explaining the said sixth article in these terms viz. 'And seeing by the Laws of England now stand-'ing there are rewards granted upon the exporta-'tion of certain kinds of grain wherein oats is not 'specified That from and after the Union when 'oats shall be at fifteen shillings per quarter or 'under there shall be paid two shillings and six 'pence for every quarter of oatmeal exported in 'the terms of the laws whereby rewards are grant-'ed for exportation of other grains And in respect 'there is a duty upon oats imported into England 'but no duty upon oatmeal the importing of 'which is a prejudice and discouragement to tillage 'Therefore That from and after the Union the 'quarter of oatmeal be Decerned equal to three 'quarters of oats and pay duty accordingly when 'imported to Scotland from any place whatever 'beyond the Sea.'

WHICH being likeways read after some further reasoning It was moved that the observations, in relation to the balance of the trade of this Nation, made by the Council of trade should be laid before the Parliament.

AND after debate thereupon the further consideration of the said Sixth article and motions was delayed till the next Sederunt of Parliament to be then resumed previous to all other business, and ordered that the observations made by the Council of trade be then laid before the Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER XXVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Address against the Union]

ADDRESS of the Barons, freeholders and others within the shire of Midlothian subscribing the same against an Union with England in the terms of the articles given in and read.

[6th Article of Union;—Proceedings thereon]

THE sixth article of Union again read and a proposal given in for adding the word 'Drawbacks' to both clauses of the said article, Which was agreed to.

AND the said Article as so amended was again read As also the proposal mentioned in the Minuts of the last Sederunt in relation to oats and oatmeal with the addition of a furder clause in these terms 'And that the Bear of Scotland have the like re-'wards and drawbacks as barley.'

AND it was likeways moved That another clause should be added thereto 'Allowing the like pre-'mium or drawback on the exportation of oatmeal 'as is allowed on the exportation of rye in Eng-'land' And after debate thereupon it was agreed that the sixth article with the proposals for amendments should be remitted to a Committee.

THEREAFTER there was a clause offered to be added to the said sixth article in these terms viz. 'But Scotland for the space of years after 'the first day of May next shall be free from and 'no ways subject to the prohibition and restric-'tions made against exporting of wool, skins with 'wool upon them and woollen yearn which by the 'oaths of the seller and buyer shall be made ap-'pear to be the proper grouth and product of Scot-'land and spun within the same which shall no ways 'be comprehended under any of the laws already 'made in England or to be made during the space 'foresaid.'

AS also a clause in these terms viz. 'Excepting 'and reserving the duties upon export and import 'of such particular Commodities from which any 'persons the Subjects of either Kingdom are spe-'cially liberated and exempted by their privat 'rights which after the Union are to remain safe 'and intire to them in all respects.'

AND sicklike another clause in these terms 'That* after the Union all sorts of Scots Linnen or any kind of Cloath made of flax or hemp be exported out of the united Kingdom free of all Customs or other impositions whatsomever.'

AND another in these terms 'That before the Union we may now have such a Drawback adjusted as may enable us to export Beef and Pork and Butter to the West-Indies and other forreign parts which will be a considerable branch of our Trade after the Union.'

AND likeways another clause in these terms 'That from and after the Union all duties or Bounty-

* The Record ends here abruptly: & the subsequent Proceedings of this last of the Parliaments of Scotland have been taken from the Original Warrants. See Preface to this Volume

tolls or other exactions upon black Cattel or any other product of Scotland when carried into England or product of England when carried into Scotland payable either to the publick or private persons shall in all time coming be void and null.'

AND another Clause in these terms 'That from and after the Union The Kingdom of Scotland shall have Liberty for ever to manufacture Plaiding Fingrams Galloway-whites Sarges Stockings and all sort of Linnen as they have been in use to do conforme to the regulations contained in their own Laws and to export the same to England or Dominions and Plantations thereto belonging or to any other place beyond Seas free of any duty or imposition whatsomever to be laid thereon But in case any of the Subjects of that part of united Britain now called Scotland shall export any other sort of Woollen-Manufacture than what is abovementioned they are to be liable to the regulations and taxes of England imposed before the Union or to be imposed by the British Parliament after the Union'.

AND it was agreed That all the Clauses above insert should be likeways remitted to a Committee.

WHEREUPON it was moved that the Sixth Article and proposals and additional clauses relating thereto should be remitted to the Committee for examining the calculation of the equivalent which was agreed to.

THEREAFTER it was also moved that a furder number of the members of each State should be added to the said Committee, And thereupon a Vote was put Add or Not and it carried Add.

THEN it was moved that two of each State be the number to be added and Likeways moved that the number of four of each state be added, And after some reasoning It was put to the Vote Two or Four and it carried Two And the next Sederunt of Parliament appointed for choiſing the additional members.

[7th Article of Union read]

THEN the Seventh Article of Union was read And the reasoning thereupon delayed till the next Sederunt of Parliament to be then proceeded upon previous to all other busineſs after choicing of the additional members for the Committee.

THEN the Lord Chancellour by order of Her Majestie's High Commiſsioner adjourn'd the Parliament till the morrow at ten of the clock.

NOVEMBER XXVIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union]

THEN the following Addreſses were given in and read viz. Addreſs of Heretors & others Inhabitants of the paroch of S[t] Ninians ſubſcribers of the ſame and Addreſs of the Magistrats Town Council Burgeſses & other Inhabitants of the Burgh of Dunbar ſubſcribing the ſame both against an Union with England in the terms of the articles.

[Members added to Committee on 6th Article]

THEREAFTER the Parliament (conform to the Minuts of the last Sederunt) proceeded to elect the additionall Members to the Comittee to whom the ſexth article and clauſes and propoſalls relative thereto are remitted, And the three Estates having separated to their uſuall places They returned and reported their respective elections of the ſaid additional Members as follows viz. Of the Nobility The Earles of Haddingtoun and Cromerty, Of the Commiſsioners for ſhyres S[r] Gilbert Elliot of Minto and S[r] Thomas Burnet of Leyes, Of the Commiſsioners for Burghs S[r] John Areſkine and S[r] Peter Halkett and the Committee was appointed to meet in the Inner ſeſsion houſe to morrow at nyne of the clock in the forenoon.

[7th Article of Union; Proceedings thereon]

THEN the ſeventh article of Union was again read, And after ſome reaſoning a propoſall was made for an explanation & addition whereby the Nation would be ſecured against paying more exciſe for the tuo penny ale than they now doe in theſe terms 'That the thirty four gallons English 'Barrell of Bear or Ale amounting to tuelve gal- 'lons Scots preſent meaſure ſold in Scotland by 'the Brewar at nine ſhillings sex pence Sterline ex- 'cluding all dueties, and retailed including duties 'and the Retailers profite at tuo pence the Scots 'pynt or eight part of the Scots gallon be not after 'the Union lyable on account of the preſent ex- 'ciſes upon exciſeable liquors in England, to any 'higher impoſition than tuo ſhillings Sterling upon 'the foresaid thirty four gallons Engliſh barrell 'being tuelve gallons the preſent Scots meaſure.'

AND another clauſe being likewayes offered in theſe terms 'And it is hereby specially provided 'that the tuo penny ale and bear of Scotland ſhall 'be only charged with the ſame exciſe as the ſmall 'bear of England.'

AFTER ſome debate the vote was ſtated Approve of the ſeventh article as to the exciſe of ale and bear with the explanation as contained in the first

or ſecond clauſes above inſert And therupon the ſaid clauſes being read

IT was agreed that the members ſhall be marked as they vote and that a list of their names as they vote First or Second ſhall be printed.

WHERUPON the vote was put Approve of the ſeventh article as to the exciſe of ale & bear with the explanation as contained in the ſaid First or Second clauſes And it carried First. And the List of the Members as they voted pro or con is as followes.

FIRST.

Of the Nobility.

Marq: Montroſe P. S. C.
Duke Argyle
Marq: Tweedale
Lothian
Earles Mar Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie
Findlater
Northeſk
Belcarras
Forfarr
Kintoir
Dunmore
Marchmount
Hyndford
Cromarty
Stair
Roſeberry
Glaſgow The^r Dep^t
Hopetoun
Delorain
Islay
Lords Forbes
Elphinstoun
Roſs
Torphichen
Cranstoun
Banff
Elibank
Duffus
Rollo
Lo, Register
Lo, Justice Clk.

Of the Barrons.

Ro^t Dundaſs of Arniſtoun
Sr Ro^t Dickſon of Inueraſk
Wm Nisbet of Dirletoun
Jo^n Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alex^r Campbell of Cesnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Ar^d Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Hayning
Wm Moriſon of Preſtongrange
Alex^r Horſeburgh of that Ilk
George Bayllie of Jerviswood
Sr John Johnstoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Ro^t Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Alex^r Grant younger of that Ilk
Hugh Roſs of Kilravock
Sr Kenneth McKenzie
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S^r W^m Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex^r Abercrombie of Glaſsoch
Wm Maxwell of Cardineſs
Mr James Dunbarr younger of Hempriga
Alex^r Dowglaſs of Egliſhaw
John Bruce of Kinroſs

Of the Burrows.

Sr Patrick Johnstoun
John Scrimſour
John Allardyce
Lieu^t Co^ll Jo^n Areſkine
John Mure
James Scott
Sr John Areſkine
James Spitle
Mr Pat. Moncreiff
Sr Andrew Home
Sr Peter Halkett
Sr James Smollett
Mr Wm Carmichell
Mr Wm Sutherland
Captain Daniell McLeod

Sr David Dalrymple
Sr Alex^r Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Sr James Stewart
Daniell Campbell
Sr Robert Forbeſs
Mr Robert Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND.

Of the Nobility.

Dukes Hamilton
Atholl
Marq: Annandale
Earles Erroll
Mariſhall
Buchan
Eglingtoun
Wigtoun
Strathmore
Galloway
Selkirk
Visc: Stormont
Kilsyth
Lords Saltoun
Sempill
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons.

George Lockhart of Carnwath
Sr James Fowlis of Colingtown
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Patrick Home of Rentoun
Wm Bayllie of Lamingtoun
John Sinclair younger of Stevenſone
John Sharp of Hoddam
Mr Alex^r Ferguſson of Isle
Sr Hugh Cathcart of Carletoun
John Briſbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
John Graham of Killairn
James Graham of Bucklyvie
Thomas Sharp of Howſtoun
Sr Patrick Murray of Auchtertyre
John Murray of Strowan
Sr David Ramſay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that Ilk
James More of Stonywood
John Forbes of Coloden
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Pat. Lyon of Ochterhouſe
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Alex^r McKye of Palgown

Of the Burrows.

Robert Inglis
Alex^r Robertson
Walter Stewart
Alex^r Watson
Hugh Montgomerie
Alex^r Edgar
John Black
James Oswald
S^r Jo^n Anſtruther
Robert Johnstoun
Alexander Duff
Francis Moliſon
George Monro
Walter Scott
William Coltran
Robert Kellie
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spens
Sr David Cuningham
Mr Wm Johnstoun
Mr John Carruthers
George Home
John Bayne
Mr Robert Fraſer

THEN the Lord Chancellor by ordor of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER XXIX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

REPORT of the members to whom the advance made by Mr James Anderſon in the work recommended to him by the Parliament presented and ordered to ly on the table to be seen. [Mr James Anderson's Work]

[Order as to 6th Article of Union] MOVED that the obſervations made by the Council of Trade in relation to the export and import of this Nation & ballance of our trade be laid before the Committie to whom the Sixth article of Union is remitted And the ſame was accordingly ordered As also the Clerks of the ſaid Council of Trade were ordered to transmit to the said Committie all obſervations papers and records relating thereto.

[Unlawful Convocations;—Proceedings relative thereto] THEN the Lord Chancelour acquainted the Parliament That the Secrete Council at their last meeting had under their conſideration ſeverall accounts of irregular & tumultuary meetings by ſome people of the common & meanest degree in armes and of abuſes committed by them at Glasgow Steuartrie of Kirkcudbright and Dumfreis and ſeverall places of Lanerk ſhire and that there were papers dropt inviting people to take up armes & to provide ammunition & proviſions in order to their marching to diſturb the Parliament All which he was directed by the Right Honourable the Lords of her Majesties Secret Council to lay befor the Parliament to the effect proper methods might be resolved upon for preventing the evil conſequences of ſuch practiſes And therafter preſented a Letter from the Magistrats of Dumfreis to her Majesties Advocat bearing ane account of the abuſes and tumultuary meeting in that place with a Declaration emitted by thoſe who met which was affixt on the mercat croſs of Dumfreis and both were read.

WHERUPON a draught of a Proclamation to be emitted by the Parliament against all tumultuary and irregular meetings and convocation of the Leidges was presented and read And after ſome diſcourſe thereupon It being objected that it did not appear that there was a particular information of any tumultuary meetings or irregular convocations in any other part of the ſhire of Lanerk than at Glasgow.

HER Majesties High Commiſsioner was thereupon pleased to notifie to the Parliament That he had information not only from Glasgow and Dumfreis but also from ſeverall places in Lanerk ſhire of tumultuary & irregular meetings of men under armes and of their giveing out and publiſhing their deſigne of marching to diſturb the Parliament.

THERAFTER the draught of the Proclamation was again read and after reaſoning therupon and ſome amendments a vote was ſtated Approve of the Proclamation or Not.

AND before voteing It was aggreed that the members ſhall be marked as they vote and that the list of their names as they vote pro or con ſhall be printed and Recorded and the Lord Chancelour allowed to have his name printed and recorded as ane approver And the Proclamation as amended being again read over

[Proclamation voted] [List of Voters] THE vote was put Approve or Not and it carried Approve. And the List of the members as they voted pro or con is as followes.

APPROVERS

Of the Nobility

The Lo. Chancellor allowed to be printed by ſpeciall ordor of Parliament
Marq: Montroſe P. S. C.
Duke Argyle
Marq: Tweedale
Lothian
Annandale
Earles Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Eglintoun
Abercorn
Roxburgh
Haddingtoun
Galloway
Findlater
Northeſk
Belcarras
Forfarr
Kintoir
Dunmore
Marchmount
Hyndford
Cromarty
Stair
Roſeberry
Glasgow The' dep'
Hopetoun
Delorain
Ilay
Visc: Garnock
Lords Forbes
Elphinstoun
Roſs
Torphichen
Balmerino
Cranstoun
Fraſer
Banff
Elibank
Beilhaven
Duffus
Rollo

Lo, Register
Lo, Justice Clk.

Of the Barrons

Ro^{t} Dundaſs of Arniſtoun
Sr Ro^{t} Dickſon of Inueraſk
George Lockhart of Carnwath
Sr John Lawder of Fountainhall
Wm Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sr Robert Sinclair of Longformacus
Sr John Swintoun of that Ilk
Sr Patrick Home of Rentoun
Sr Alex^{r} Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Ar^{d} Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſone of Prestongrange
Alex^{r} Horſeburgh of that Ilk
George Bayllie of Jerviswood
Sr John Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Sr Hugh Cathcart of Carletoun
Sr John Houſtoun of that Ilk
Sr Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
Mr John Montgomerie of Wrae
John Halden of Glenagies
Sr Pat. Murray of Auchtertyre
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
Alex^{r} Gordon of Pitlurg
John Udney of that Ilk
Wm Seton younger of Pitmedden
Alex^{r} Grant younger of that Ilk
Hugh Roſs of Kilravock
John Forbes of Coloden
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S^{r} W^{m} Anſtruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
James Halyburton of Pitcurr
Wm Maxwell of Cardineſs
James Sinclair of Stempſter
Mr James Dunbarr younger of Hempriggs
Sr Hary Innes younger of that Ilk
Alex^{r} Dowglaſs of Egliſhaw
Mr Alexander Abercrombie of Tillibody
John Bruce of Kinroſs

Of the Burrows

Sr Patrick Johnstoun
Robert Inglis
John Scrimſour
John Allardyce
Lieu^{t} Collonell John Areſkine
Alex^{r} Watſon
Hugh Montgomerie
John Mure
James Scott
Patrick Bruce
Sr John Anſtruther
Alex^{r} Duff
Sr John Areſkine
James Spitle
Mr Pat. Moncreiff
George Monro
George Spens
Sr Hugh Dalrymple
Mr Patrick Ogilvie
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Sr James Stewart
Daniell Campbell
Sr Robert Forbes
Mr Robert Fraſer
Mr Robert Dowglaſs
Mr Alex^{r} Maitland
Mr George Dalrymple
Mr Charles Campbell
Sr Andrew Home
Wm Coltran
Sr Peter Halket
Sr James Smollet
Sr Alex^{r} Ogilvie
Mr John Clerk
Mr Dowgall Stewart
John Roſs
George Brodie

NOES

Of the Nobility

Earl Selkirk
Visc: Stormont
Lord Oliphant

Of the Barrons

Alex^{r} McKye of Palgown

PROCLAMATION against Unlawful Convocations

ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith to our Lyon King at Arms and his brethren heraulds pursevants, maſsers, and meſsengers at Arms Our Sheriffs in that part conjunctly and severally specially conſtitute Greeting Forasmuch as albeit the raising of tumults and makeing convocation within Burgh and the riotous and disorderly aſsembling and continuing in arms, thereby inſulting the Magiſtrats and hindering them in the execution of their office and hindering of the common Law be contrare to sundry Laws and Acts of Parliament as well as deſtructive of the ends of Government and particularly to Parliament 14th Chap: 78th, James 2d, James 4th, Parliament 3d Chap: 34th, James 6th, Parliament 18th Chap: 17th, As alſo the riſeing in arms, convocating our Leidges in the open fields and marching in formed bodies arm'd through the Country and entering into our Royal Burghs boden in fear of weir And entering into bands leagues and aſsociations for proſecuting illegal and unwarrantable ends be by ſeveral Laws and Acts of Parliament declared to be open and manifeſt treaſon And the committers abbettors and aſsiſtants in ſuch crimes and practiſes ought to be proſecuted and may be puniſhed as Traitours to her Majeſty and her Government And particularly by Parl: 2d James 1st Chap: 37th James 2d Parl: 6th Chap: 14th James 6th Parl: 12th Chap: 144th Charles 2d Parliat 1st Seſsion 1st Chap: 4th. Yet nevertheleſs We and our Eſtates of Parliament are certainly informed that in ſeveral corners of the Realm and particularly in our Burgh of Glasgow and other places within the ſheriffdom of Lanerk and in our Burgh of Dumfreis and other places adjacent, people have preſumed in manifeſt contempt of the foreſaid Laws to aſsemble themſelves in open defiance of our Government and with manifeſt deſign to overturn the ſame by inſulting the Magiſtrats attacking and aſsaulting the houſes of our peaceable Subjects continueing openly in arms and marching in formed bodies through the Country and into our Burghs, and inſolently burning in the face of the ſun and preſence of the Magiſtrats the Articles of Treaty betwixt our two Kingdoms entered into by the authority of Parliament and even after the ſaid articles had been preſented to Us and were under the conſideration of Us and our Eſtates preſently ſitting in Parliament and ſome progreſs made thereupon And ſuch crimes and inſolencies being no wayes to be tollerated in any well governed Nation, but on the contrary ought to be condignly puniſhed conform to the Laws abovementioned and other Acts of Parliament made thereanent, eſpecially if perſiſted and continued in after our diſpleaſure therewith ſhall be made known Therefore We with advice and conſent of the Eſtates of Parliament peremptorly Require and Command all and every perſon who have aſsembled themſelves in manner abovementioned to lay down their ſaid arms and diſperſe themſelves and peaceablie and quietly to retire and betake themſelves to their ſeveral habitations and imployments And We with advice foreſaid Prohibite and Diſcharge any Aſsembling or Convocating in arms in manner foreſaid under the pains contained in the Acts of Parliament abovementioned Certifieing all that ſhall be guilty Actors Abbettors or aſsiſtants in convocating or aſsembling in arms or these who ſhall convocat and commit theſe practiſes abovementioned shall be treated and pursued as open Tratours and the pains of treaſon execute upon them accordingly And in caſe any of our people ſhall dare to be ſo preſumptuous after publication of the premiſses to aſsemble or continue in Arms, We hereby Require and Command the ſheriffs of our ſeveral Shires Steuarts of our Steuartries Baillies of Regalitys and Baronys Magiſtrats of Burghs and other officiars of our Law, officers of our forces and troops under their command to paſs upon, diſperſe and ſubdue the said Convocations by open force and all manner of violence as enemies and open rebells to us and our Government, And in caſe any ſlaughter blood bruiſes or mutilation ſhall happen to be done and committed by our said sheriffs & officers of our forces and other Magiſtrats foreſaid or perſons under their Command We with advice foreſaid Do hereby fully Remit pardon and indemnify the ſame and Discharge the proſecution thereof civilly or criminally in all time comeing Our Will is herefore and We charge you, That ye paſs to the mercat Croſs of Edinburgh, and mercat Croſses of Dumfreis Lanerk and Glaſgow and other places needfull, and there make publication hereof by open proclamation of the premiſses that none pretend ignorance And ordain theſe preſents to be printed and our Solicitors to send Copies hereof to the Magiſtrats of the reſpective Burghs abovementioned for that effect.

[Act against musters &c.]

THERAFTER the draught of ane Act suspending the effect of that Clause in the Act of Security for arming and exerciſeing the fenſible men past in the second Seſsion of this current Parliament and that dureing this current Seſsion of Parliament allenarly read and a first reading ordered to be marked theron.

THEN the Lord Chancelour by order of her Majesties High Commiſsioner Adjourned the Parliament till the morrow at ten of the Clock.

NOVEMBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union] ADDRESS of the Magistrats and Town Council of the burgh of Air for such Rectifications of the articles of Union and ſuch eaſes of dueties and publick taxes as are most agreeable to the circumſtances of this Nation given in and read.

ADDRESS of Heretors & others Inhabitants of the Town & paroch of Burntisland subſcribers of the ſame against an Union with England in the terms of the articles given in and read.

[Act against musters &c.] THERAFTER the Act suspending the effect of a Clauſe as to arming and exerciſeing the Country in the Act of Security past in the ſecond Seſsion of this current Parliament again read And after ſome reaſoning therupon and ſome amendments the act as amended was again read.

THEN the vote was put Approve of the act or Not And it carried Approve, and was touched with the Scepter by Her Majesties high Commiſsioner in the uſuall maner under the ţitle of Act against all Musters and Rendezvouzes during the preſent Seſsion of Parliament.

ACT against all Musters & Rendevouzes during the present Seſsion of Parliament without Her Majesties special command

3 OUR SOVERAIGN LADY conſidering that by the 3d Act of the 2d Seſsion of this Parliament intituled Act for Security of the Kingdom It is Statut & Enacted That the whole Proteſtant heritors & all the Burghs within the ſame ſhall furthwith provide themſelves with fire armes for all the fenceable men who are Proteſtants within their respective bounds, and the ſaid heritors & burghs are therby Impowered & Ordained to diſcipline & exerciſe their fenceable men once in the month at leaſt And alſo Conſidering that the diſorderly & ſeditious meetings & tumults in ſome places in the country doe make it neceſsar at this occaſion to ſuſpend the effect of the forſaid clauſe during this Seſsion of Parliament allennarly Therfore Her Majestie with advice & conſent of the Estates of Parliament doth hereby ſuſpend the effect of the forſaid clauſe & that during this Seſsion of Parliament allennarly And furder Her Majestie with advice & conſent forſaid diſcharges & ſtrictly prohibits the ſubjects of this Kingdom to meet & aſsemble together in arms after the publication hereof upon any pretence whatſoever during the ſpace foreſaid without her Majestys ſpecial command or expreſs licence had or obtain'd therto And Requires & Commands all the ſubjects of this Kingdom to retire to their own habitations & lawfull imployments Certifieing ſuch as ſhall doe in the contrare that they ſhall be lyable to the pains of high Treaſon conform to the Laws & Acts of Parliament made against unlawfull convocations & riſeings in armes.

AND the ſaid Act and the Proclamation mentioned in the Minuts of the last Sederunt were ordered to be furthwith publiſhed and printed.

[7th Article of Union read] THERAFTER the Seventh article of Union was again read And after Reaſoning upon that part therof not formerly approven, It was put to the vote Approve of the rest of the ſaid Seventh article or Not and it carried Approve.

[Order for burning a scurrilous Print] A PRINT was then given in entituled An account of the burning of the articles of Union at Dumfreis Bearing the declaration read and affixed at the Mercat Croſs therof by the tumult aſsembled on that occaſion And it being moved That inquiry ſhall be made who has been the printer & ingiver of the ſaid ſcurrilous paper and that the print be burnt by the hand of the hangman.

IT was remitted to the Comittee to whom the ſexth article of Union is Remitted to Call for the Magistrats of Edinburgh, and to take tryall and make inquiry anent the printer and ingiver of the ſaid paper.

ORDORED alſo that the ſaid scurrilous print be burn'd by the hand of the common hangman at the Mercat Croſs of Edinburgh upon Monday next betuixt eleven and tuelve of the clock And the Magistrats of Edinburgh appointed to ſee the orders punctually executed.

[8th Article of Union read] THEN the Eight article of Union was Read, and Remitted to the Committee to whom the ſexth article is remitted.

[Act for Adjourning the Seſsion] ACT for adjourning the Seſsion till the first day of January next read, And a clauſe was offered to be ſubjoyned therto in theſe terms " And further Her Majestie with advice and conſent foreſaid Statuts & Ordains that the Seſsion which is appointed to riſe the last day of February next be continowed to ſit for adminiſtration of Justice to the Lieges from the ſaid day to the laſt day of March Ic vije & ſeven years incluſive."

WHICH being read the conſideration of the ſaid clauſe delayed till the Act be again read, And a first reading was ordored to be marked on the Act.

THERAFTER it was Intimat to all ſuch members as gave in any overtures or clauſes (relating to the ſexth article of Union) to attend the Committee next ſederunt.

THEN the Lord Chancellor by ordor of Her Majesties high Commiſsioner Adjourned the Parliament till Tuesday next at ten of the clock.

DECEMBER III, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union] THEN the following Addreſses were given in and read viz. Addreſs of the Merchants Deacons Trades and other inhabitants of the burgh of Aire ſubſcribers of the ſame Addreſs of Barrons freeholders heretors and others of the four parochines of Glenkenns in the ſhire of Galloway ſubſcribeing the ſame and Addreſs of the Magiſtrats Toun Council burgeſses and inhabitants of the burgh of New Galloway ſubſcribers of the ſame all against an Union with England in the termes of the articles.

[Act Adjourning the Seſsion] THERAFTER the act adjourning the Seſsion till the first of January next was again read, as also the Clause continueing the ſitting therof from the laſt of February to the laſt day of March next incluſive inſert in the minuts of the last Sederunt And after debate it was put to the vote Add the Clauſe or Not and it carried Add.

AND the Clause being added the vote was put Approve the act or Not and it carried Approve.

[Earl of Aberdeen excused] THE Earle of Aberdeen his abſence excuſed by his Grace her Majesties High Commiſsioner in respect of his indiſpoſition.

[Act in favors of the Burgh of Dundee] AGREED that the Act in favors of the burgh of Dundee for an imposition of two pennies upon the pynt of ale and beir to be browen and vended within the bounds and for the uſes therein mentioned be taken under conſideration the firſt of all other privat buſsineſs.

[Order as to 6th & 8th Articles of Union] ORDERED that the Council of Trade do meet and give in their obſervations as to export and import and ballance of Trade to the Committie to whom the Sixth and Eight articles are remitted and that betwixt and the next Sederunt of the ſaid Committie.

[9th Article of Union;—Proceedings thereon] THEN the nynth article of Union was read and after reasoning thereon It was moved that ſix moneths ceſs ſhall be the quota of the tax to be impoſed on Scotland in place of eight moneths agreed to by the ſaid article. And after debate therupon

A VOTE was stated Approve of the nynth article or Not.

AND therupon a second ſtate of a vote was offered viz. Whether six moneths ceſs or eight moneths ceſs ſhould be the quota of the tax to be charged on Scotland.

THEN the vote was put Which of the tuo ſhould be the ſtate of the vote First or Second and it carried First.

WHERUPON it was put to the vote Approve of the ſaid nynth article or Not And it carried Approve. [9th Article approved]

THERAFTER the tenth eleventh twelth and thirteenth articles of Union were all ſeverally read And were ſeparatly voted and approven. [10th 11th 12th & 13th Articles approved]

THE fourteenth article of Union read And the conſideration therof delayed till next Sederunt to be then proceeded upon previous to all other buſsineſs. [14th Article of Union read]

ACT adjourning the Seſsion to the firſt day of January next and continueing the ſitting therof from the laſt of February to the laſt day of March next incluſive Touched with the ſcepter by her Majesties high Commiſsioner in the uſuall manner.

ACT adjurneing the Seſsion to the first day of January next and continueing the ſitting thereof from the last of February to the last day of March next inclusive

OUR SOVERAIGNE LADY with advyſe & 4
conſent of the Eſtates of Parliament Adjurnes the Seſsione to the firſt day of January nixt and declaires all actions depending before the Lords of Seſsion to be continued to the ſaid day And Her Majestie with conſent forsaid dispenses in the mean tyme with the ſitting of the Court of Juſticiary & all Inferior Courts as if the Parliament were not sitting And farder Declaires that the tyme & space betuixt the dait hereof & the ſaid firſt day of January nixt shall not be reckoned in any annuall preſcriptions And farder Her Majestie with advyſe & conſent foresaid Statutes & Ordaines that the Seſsion which is appoynted to ryſe the laſt day of February nixt be continued to ſit for adminiſtration of juſtice to the Leidges from the ſaid day to the laſt day of March I^m vij^c^ & seaven years incluſive And ordaines theſe preſents to be

publiſhed at the marcat croſe of Edinburgh & to be forthwith printed that the Leidges may be certified thereof.

THE Committie appointed to meet to morrow at nyne of the Clock in the uſuall place.

THEN the Lord Chancelour by order of her Majesties High Commiſsioner Adjourned the Parliament till Thursday next at ten of the Clock.

DECEMBER V, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Mr James Anderson's Work] AGREED that the Report anent the advance made by Mr James Anderſon in the work Recommended to him by the Parliament be taken under conſideration when the Parliament ſhall proceed upon privat Acts.

THE Parliament was then acquainted That the Report of the Committee anent the Calculation of the equivalent Remitted to them was ready and in the Clerks hands and that all perſones concerned may ſee the ſame and grounds wherupon it proceeds, before the report be brought in to the Parliament.

[14th Article of Union;—Proceedings thereon] THERAFTER the fourteenth article of Union was again read, And an amendment and addition therto was offered in theſe terms "And that the part of the united Kingdome now called Scotland ſhall not in all tyme coming be charged with any malt tax or any other cuſtomes, exciſes taxes or any other burdens or dueties than thoſe conſented to in this treaty."

AND after ſome reaſoning upon the first part of the ſaid clauſe in relation to the malt tax, It was propoſed that the amendment ſhould be in theſe terms "With this furder proviſion That any malt to be made & conſumed within that part of the united Kingdome now called Scotland ſhall not be charged with any Impoſition on malt during this preſent war."

AND after ſome farder debate The vote was ſtated Whither the exemption from any Imposition on malt ſhall be temporary or perpetuall.

THEN the vote was put Whither the exemption ſhall be Temporary or Perpetuall And it carried Temporary.

THERAFTER It was propoſed that the exemption ſhall be during this preſent war.

IT was alſo propoſed that the exemption ſhall be for a longer tyme.

AND after debate thereon The vote was ſtated Whether the exemption from any Impoſition on malt ſhall be during this preſent war or for a longer tyme And it carried during this preſent war.

THEN the article as amended was again read and the furder conſideration thereof delayed till the next Sederunt of Parliament to be then proceeded upon previous to all other buſsines.

THEN the Lord Chancellor by ordor of Her Majesties High Commiſsioner adjourned the Parliament till to morrow at ten of the clock.

DECEMBER VI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[14th Article of Union;—Proceedings thereon] THE fourteenth article of Union as amended again read As alſo the clauſe offered to be added to the ſaid article inſert in the Minuts of the last Sederunt, as to the exemption from any other Customes Exciſes taxes or any other burdens or dueties than thoſe consented to in this Treaty And after debate

THERE were two ſtates of a vote proposed The first in theſe terms Approve of the article as amended or Not And the ſecond in theſe terms Approve or Amend.

AND before voteing It was agreed that the members ſhall be marked as they ſhall vote in both votes And that the list of their names ſhall be recorded and printed accordingly.

THEN it was put to the vote Which of the tuo ſhall be the ſtate of the vote First or Second And it carried First. And the List of the Members as they voted First or Second is as followes. [Lists of Voters]

FIRST.

Of the Nobility.

M: Montroſe P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Rothes
Mortoun

Glencairn
Abercorn
Roxburgh
Haddingtoun
Dalhouſsie
Findlater
Belcarras
Forfar
Kintoir
Dunmore
Marchmont
Hyndfoord
Cromarty
Stair
Roſeberry
Glaſgow
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphinstoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Rollo
Lo: Register
Lo: Justice Clerk

Of the Barrons.

Sr Robert Dickson of Inveraſk
Wm Nisbet of Dirletoun
Jo^n Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alex^r Campbell of Ceſnock
Sr Wm Kerr of Greenhead
Ar^d Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Wm Moriſon of Preſtongrange
Alex^r Horſeburgh of that Ilk
George Bayllie of Jerviswood
Sr John Johnſton of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Mr Jo^n Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Wm Seton of Pitmedden
Alex^r Grant younger of that Ilk
Hugh Roſs of Kilravock
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S^r W^m Anſtruther of that Ilk
James Halyburton of Piteurr
Alex^r Abercrombie of Glaſsoch
Alex^r Dowglaſs of Eglishaw
John Bruce of Kinroſs

Of the Burrows.

Sr Patrick Johnſtoun
John Scrimſour
Lieu^t Co^ll Jo^n Areſkine
John Muir
Sr John Anſtruther
Sr John Areſkine
James Spitle
Mr Patrick Moncreiff
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr William Carmichell
Mr Wm Sutherland
Capt Daniel McLeod
Sr David Dalrymple
Sr Alex^r Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Patrick Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
Sr James Stewart
Daniell Campbell
Sr Robert Forbes
Mr Robert Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND.

Of the Nobility.

D: Hamilton
Athole
M: Annandale
E: Erroll
Mariſhell
Buchan
Eglingtoun
Wigtoun
Strathmore
Galloway
Selkirk
Vis: Stormonth
Kilſyth
Lo: Saltoun
Sempill

Balmerino
Blantyre
Cranstoun
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons.

Robert Dundaſs of Arniſtoun
George Lockhart of Carnwath
Sr James Foullis of Collingtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Patrick Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Bayllie of Lamingtoun
Jo^n Sinclair younger of Stevenſon
John Sharp of Hoddam
Mr Alex^r Ferguſson of Isle
Sr Hugh Cathcart of Carletoun
Jo^n Briſbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
John Graham of Killairn
Thomas Sharp of Houſtoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that Ilk
James More of Stonywood
John Forbes of Colloden
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouſe
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boyne
Wm Maxwell of Cardineſs
James Sinclair of Stempſter
Mr James Dunbarr younger of Hempriggs
Mr Alex^r Abercrombie of Tillibody
Mr George McKenzie of Inchcoulter

Of the Burrows.

Robert Inglis
Alex^r Robertſon
John Allardyce
Walter Stewart
Alex^r Watſon
Hugh Montgomerie
Alex^r Edgar
John Black
James Oswald
James Scott
Alex^r Duff
Francis Moliſone
George Monro
Walter Scott
Wm Coltrane
Robert Scott
Robert Kellie
Archibald Shields
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spens
Mr Wm Johnſtoun
Mr John Carruthers
George Home
John Bayne
John Urquhart
Mr Robert Fraſer

THERAFTER the vote was put Approve of the article as amended or Not And it carried Approve. And the List of the Members as they voted Approve or Not is as follows. [14th Article approved] [List of Voters]

APPROVERS.

Of the Nobility.

M: Montroſe P. S. C.
D: Argyle
M: Tueedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Rothes
Morton
Glencairn
Roxburgh
Abercorn
Haddingtoun
Dalhouſsie
Findlater
Bellcarras
Forfar
Kintore
Dunmore
Marchmont
Hyndford
Cromerty
Stair
Roſeberry
Glasgow
Hopetoun
Delorain
Iſla
L: Forbes
Elphingſtoun
Roſs
Torphichen

Frazer
Bamff
Elibank
Duffus
Rollo
Lo: Register
Lo: Justice Clerk

Of the Barrons.

Sr Robert Dickſon of Inverask
William Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſnock
Sr William Ker of Greenhead
Archibald Douglas of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
William Morison of Preſtongrange
Alexr Horſeburgh of that Ilk
George Baillie of Jerviswood
Sir John Johnſtoun of Weſterhall
William Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffen
Mr William Dalrymple of Glenmuir
Mr Robert Stewart of Tillicutrie
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagles
Mungo Grahame of Gorthie
William Seaton younger of Pittmeden
Alexr Grant younger of that Ilk
Hugh Roſs of Killravock
Sr Kenneth McKenzie
Mr Æneas McLeod of Catboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
Sr William Anſtruther of that Ilk
James Campbell younger of Ardkinlaſs
James Halyburton of Piteurr
Alexr Abercrombie of Glaſsoch
Alexr Dowglaſs of Eagleſhaw
John Bruce of Kinroſs

Of the Burrows.

John Scrymſeour
Lieut Colh John Erſkin
John Muir
Sr John Anſtruther
Sr John Erskine
James Spittle
Mr Pat. Moncreiff
Sr Andrew Home
Sr Pat. Halket
Sr James Smollet
Mr Wm Carmichaell
Mr Wm Sutherland
Sr David Dalrymple
Sr Alexr Ogilvie
Mr John Clark
John Roſs
Sir Hugh Dalrymple
Mr Pat. Ogilvie
George Allerdice
William Alves
Mr James Beaton
Mr Rorie McKenzie
Sr James Stewart
Daniell Campbell
Sr Robert Forbes
Mr Robert Douglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES.

Of the Nobility.

D: Hamilton
Atholl
M: Annandale
E: Erroll
Mariſhall
Buchan
Wigtoun
Strathmore
Galloway
Selkirk
V: Stormont
Kilſyth
L: Salton
Semple
Balmerino
Blantyre
Bargany
Bellhaven
Colvill
Kinnaird

Of the Barrons.

George Lockhart of Carnwath
Sr James Foulis of Collingtoun
Andrew Fletcher of Salton
Sr Robert Sinclair of Longformacus
Sr Pat. Hume of Renton
William Baillie of Lamingtoun
Mr Alexr Ferguson of Isle
John Briſbane younger of Biſhoptoun
Mr Wm Cochran of Killmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Alexr Gordon of Pitlurg
John Udney of that Ilk
James Moir of Stainiewood
John Forbes of Collodden
David Beaton of Balfour

Major Henry Balfour of Dunbogg
Mr Thomas Hope of Rankeillor
Mr Pat. Lyon of Auchterhouſe
Mr James Carnagie of Phinhaven
David Graham of Fintrae younger
James Ogilvie younger of Boyn
Mr Alexr Abercrombie of Tilliebody
Mr George McKenzie of Inchculter

Of the Burrows

Alexr Robertson
Walter Stewart
Alexr Watsone
Alexr Edgar
John Black
James Oswald
Alexr Duff
Francis Mollieſon
Robert Scot
Robert Kellie
Archbald Scheill
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spence
Mr Wm Johnſtoun
Mr John Carruthers
George Hume
John Bayne
Mr Robert Frazer

THEN the Lord Chancellor by ordor of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER VII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[15th Article of Union;—proceedings thereon]

THE fifteenth article of Union read And therafter the first clauſe or paragraph therof again read As also the Report brought in from the Committie for examining the Calculation of the equivalent being as follows The Committie of Parliament to whom the conſidering of the calculation of the equivalent was remitted having conſidered the Report made to them by Doctor James Gregory Profeſsor of Mathematicks in the Colledge of Edr and the Report made by Doctor Thomas Bowar Profeſsor of the Mathematicks in the Colledge of Aberdeen of their ſeverall and respective examinations of the Calcul & grounds therof wherupon the Commiſsioners in treating the article for eſtabliſhing the equivalent did proceed And alſo having conſidered the report of the Sub Committie theranent They find that the computation of the equivalent mentioned in the article is juſt and that the calcul is exact & well founded in the terms & in manner exprest in the ſaid article.

WHERUPON it was propoſed to delay the conſideration of the ſaid fifteenth article untill Reports be brought in in relation to the sixth and eight articles, from the Committee to whom the ſaid articles are remitted.

AND after debate theron It was agried that the proceeding on the fifteenth article ſhall not be underſtood to be any determination of the Sixth or Eight articles that ſtand committed But that the reasoning and voteing on the Sixth & Eight articles ſhall be entire.

THEN a ſtate of a vote was offered in these terms Approve of the firſt paragraph of the fifteenth article or Not.

BUT it being moved That the Parliament first Conſider whether we ſhall be concerned in the payment of the English debts a second state was therupon offered Whether we ſhall engadge in the payment of the debts of England Yea or Not.

AND after ſome reaſoning theron It was put to the vote Which of the two ſhould be the state of the vote First or Second.

BUT before voteing It was agried that the members votes ſhall be marked and that a list of their names as they ſhall vote ſhall be printed and recorded.

AND the Lord Beilhaven gave in a protest as follows I do protest in my own name and in the name of all those who do adhere to this my protest That the voteing and agreeing to the first clauſe of the fifteenth article of the Treaty of Union doeth no ways inferr any manner of conſent or agreement that Scotland ſhould be lyable to the English debt in generall But that it may be lawfull to object against any branch of the ſaid debt not already determined And he took inſtruments theron And his Grace the Duke of Hamiltoun the Earle of Selkirk the Lord Saltoun Andrew Fletcher of Saltoun Sir Humphrey Colquhoun of Luſs David Bethon of Balfour Major Henry Balfour of Dunboig Mr Thomas Hope of Rankeilor Alexander Watſon & Mr Robert Fraſer adhered thereto.

[List of Voters]

THEN the vote was put First or Second and it carried First. And the List of the Members as they voted First or Second is as follows.

FIRST.

Of the Nobility.

M: Montroſe P. S. C.
D: Argyle
M: Tueedale
Lothian
E: Marr Sec:
Loudoun
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Haddingtoun
Dalhouſsie
Findlater
Northeſk
Belcarras
Forfar
Kintoir
Marchmont
Cromerty
Stair
Roſeberry
Glaſgow Theſurer deput
Hopetoun
Delorain
Isla
Lo: Forbes
Elphingstoun
Roſs
Torphichen
Cranſtoun
Frazer
Bamff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons.

Robert Dundaſs of Arniſtoun
S[r] Robert Dickson of Inveraſk
William Nisbet of Dirletoun
John Cockburn of Ormeſtoun
S[r] John Swintoun of that Ilk
S[r] Alexander Campbell of Ceſhock
S[r] W[m] Kerr of Greenhead
S[r] Gilbert Elliot of Minto
Ar[d] Dowglas of Cavers
W[m] Bennet of Grubbet
M[r] John Murray of Bowhill
M[r] John Pringle of Haining
W[m] Moriſone of Preſtoungrange
George Baillie of Jerviſwood
S[r] John Johnſtoun of Weſterhall
W[m] Dowglaſs of Dornock
M[r] John Stewart of Caſtleſtewart
M[r] John Stewart of Sorbie
M[r] Francis Montgomerie of Giffen
M[r] W[m] Dalrymple of Glenmuir
M[r] Robert Stewart of Tilliecutrie
S[r] Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
M[r] John Montgomerie of Wrae
John Halden of Glenegies
Mungo Grahame of Gorthie
S[r] Thomas Burnet of Leyes
S[r] David Ramſay of Balmain
W[m] Seton younger of Pitmedden
Alex[r] Grant younger of that Ilk
Hugh Roſs of Kilravock
S[r] Kenneth M[c]Kenzie
M[r] Æneas M[c]Leod of Cadboll
M[r] John Campbell of Mammoir
S[r] James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S[r] W[m] Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex[r] Abercrombie of Glaſsoch
W[m] Maxwell of Cardineſs
S[r] Henry Innes younger of that Ilk
Alex[r] Dowglaſs of Egilſhaw
John Bruce of Kinroſs

Of the Burrows.

Sir Pat. Johnſtoun
Robert Inglis
John Scrymſour
Lieu[t] Co[ll] John Erſkine
John Muir
James Scott
Sir John Anſtruther
Sir John Erſkine
James Spittle
M[r] Pat. Moncreiff
George Monro
Sir Andrew Home
W[m] Coltran
S[r] Peter Halket
Sir James Smollet
Colen Campbell
M[r] W[m] Carmichaell
M[r] W[m] Sutherland
Capt. Daniell M[c]Leod
Sir David Dalrymple
Sir Alex[r] Ogilvie
M[r] John Clark
George Brodie
S[r] Hugh Dalrymple
M[r] Pat. Ogilvie
George Allardyce
William Alves
M[r] James Bethun

Mr Rorie McKenzie
John Urquhart
Sir James Stewart
Daniell Campbell
Sir Robert Forbes
Mr Robert Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND.

Of the Nobility.

D: Hamilton
Atholl
M: Annandale
E: Erroll
Mariſhall
Wigtoun
Strathmore
Selkirk
Vis: Stormont
Kilsyth
Lo: Saltoun
Sempill
Oliphant
Balmerino
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Of the Barrons.

George Lockhart of Carnwath
Sr James Foulis of Collingtoun
Andrew Fletcher of Saltoun
Sr Pat. Hume of Rentoun
Mr Alexr Ferguson of Isle
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
John Grahame of Killairn
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Alexr Gordon of Pitlurg
James More of Stonywood
David Bethun of Balfour
Mr Thomas Hope of Rankeillor
Mr Pat. Lyon of Auchterhouſe
Mr James Carnagie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boyn
Mr George McKenzie of Inchcoulter

Of the Burrows.

Alexr Robertson
Walter Stewart
Alexr Edgar
Alexr Duff
Francis Molison
Robert Scott
Robert Kellie
Mr John Lyon
Mr Wm Johnſtoun
Mr Jon Carruthers
George Hume
John Bayne

THERAFTER it was put to the vote Approve the firſt Clause or paragraph of the fifteenth article or Not And it carried Approve. And the List of the Members as they voted Approve or Not is as followes. [1st clause of 15th Article approved] [List of Voters]

APPROVERS.

Of the Nobility.

M: Montroſe P. S. C.
D: Hamilton
Argyle
M: Tweedale
Lothian
Earles Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Haddingtoun
Dalhouſsie
Findlater
Selkirk
Northeſk
Belcarras
Forfar
Kintoir
Marchmont
Cromarty
Stair
Roſeberry
Glasgow Thr Depr
Hopetoun
Delorain
Ilay
Lords Forbes
Elphinſtoun
Roſs
Torphichen
Cranstoun
Fraser
Banff
Elibank
Beilhaven
Duffus
Rollo
Lo: Register
Lo: Justice Clerk

Of the Barrons.

Robert Dundaſs of Arneſtoun
Sr Ro: Dickson of Inveraſk
George Lockhart of Carnwath
Wm Nisbet of Dirletoun
Jon Cockburn younger of Ormieſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Cesnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhil
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
George Bayllie of Jeryiswood
Sr John Johnſtoun of Westerhall
Wm Dowglaſs of Dornock
John Sharp of Hoddam
Mr William Stewart of Caſtleſtewart
Mr Jon Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
Alexr Gordon of Pitlurg
John Udney of that Ilk
William Seton younger of Pitmeddan
Alexr Grant of that Ilk
Hugh Roſs of Kilravock
John Forbes of Culloden
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Wm Maxwell of Cardineſs
Sr Henry Innes younger of that Ilk
Alexr Dowglaſs of Egliſhaw
M Alexr Abercrombie of Tillibody
John Bruce of Kinroſs

Of the Burrows

Sr Pat. Johnſtoun
Robert Inglis
John Seymſour
John Allardyce
Lieut Colh Jon Areſkine
Alexr Watſon
Hugh Montgomerie
John Muir
James Scott
Sr John Anſtruther
Robert Johnstoun
Sr John Areſkine
James Spitle
Mr Pat. Moncreiff
George Monro
Sr Androw Home
Wm Coltrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Daniell McLeod
Sr Hugh Dalrymple
Sr Alexander Ogilvie
Mr John Clerk
Mr Dowgall Stewart
George Brodie
George Spens
Sr Hugh Dalrymple
Mr Patrick Ogilvie
George Allardyce
Mr Wm Johnstoun
Wm Alvis
Mr James Bethun
Mr Roderick McKenzie
John Urquhart
Sr James Stewart
Daniell Campbell
Sr Robert Forbes
Mr Robert Fraſer
Mr Robert Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility

D: Atholl
E: Erroll
Mariſhall
Wigtoun
Vis: Stormont
Lo: Saltoun
Oliphant
Bargany
Colvill
Kinnaird

Of the Barrons

Sr James Fowlis of Collingtoun
Androw Fletcher of Saltoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs

John Murray of Strowan
Mr Pat. Lyon of Ochterhouſe
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd

Of the Burrows

Alexander Robertſon
Alexander Edgar
Francis Moliſon
Robert Scott
Robert Kellie
Archibald Sheills
Mr John Lyon
Mr John Carruthers

HER Majesties High Commiſsioner and the Eſtates of Parliament did Recommend the perſons imployed in the calculation of the equivalent by the Committee to whom the examining therof was Remitted to the Lords of her Majesties Thesaury for a gratification for their pains.

THEN the Lord Chancellour by order of her Majesties High Commiſsioner adjourned the Parliament till Tuesday next at ten of the clock.

DECEMBER X, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union]

ADDRESS of Heretors and Commons of the Town and paroch of Dowglaſs subſcribing the ſame And Addreſs of parochiners of Carmichell and Pettinean ſubſcribers of the ſame both against an Union with England in the terms of the articles were given in and read.

[6th Article of Union;—Proceedings thereon]

THE ſexth article of Union again read, as alſo a report of the Committee to whom the ſame was remitted in the terms following viz. "The Committee of Parliament appointed for conſidering the ſexth article of the Treaty of Union and propoſalls made in Parliament relative thereto having conſidered the clauſe underwritten anent the premiums and rewards for exporting of victuall, are of opinion That the clauſe aftermentioned be added to the articles of Union whereof the tenor followes viz. And ſeeing by the laws of England notwithstanding there are rewards granted upon the exportation of certain kinds of grain wherin oats grinded or ungrinded are not ſpecified that from and after the Union when oats ſhall be at Fifteen ſhillings Sterling per quarter or under there ſhall be paid tuo ſhillings & ſex pence Sterling for every quarter of the oat meall exported in the terms of the Law whereby and ſo long as rewards are granted for exportation of other grains And that the Bear of Scotland have the ſame rewards as Barley."

AND upon a motion That the premium to be allowed ſhould be higher After a long debate thereon It was put to the vote Approve of the report or Alter And it carried Approve.

THEN the Lord Chancellor by ordor of Her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union]

THEN the following Addreſses were given in and read viz. Addreſs of the Presbitry of Dunblain ſubſcribers of the ſame, Addreſs of the Presbitry of Hamilton ſubſcribing the ſame Addreſs of the Inhabitants of the parochines of Caputh, Lethendy, Alyth & Kinloch in Perthſhyre ſubſcribers of the ſame, Addreſs of the Inhabitants of the parochines of Erroll, Kilſpindie, Kinnaird, Inchſture, Longforgan, St Madois & Kinfauns in Perthſhyre ſubſcribing the ſame, Addreſs of Heretors the minister elders, & heads of families in the paroch of Logie ſubſcribers of the ſame, And Addreſs of the parochines of Airth Larbert Dunipace & Denny, ſubſcribing the ſame all against an Union with England in the terms of the articles.

[6th Article of Union;—Proceedings thereon]

THERAFTER a propoſall given in for a furder Addition to the ſexth article in theſe terms viz. "And that there be likeways a præmium allowed for the exportation of oats proportionallie with the meal compting three bolls of oats to one quarter of meal, ſo that the præmium may be ten ſhillings Scots for every boll of oats exported."

WHICH being read after debate theron It was put to the vote Allow a præmium on the exportation of oats or Not And it carried Not.

THEN a ſecond report of the Committee to whom the ſexth article is remitted was brought in and read in theſe terms "The Committee of Parliament appointed for conſidering the ſexth article of the Treaty of Union, and propoſalls made in Parliament relative thereto, having conſidered the clau[illegible] underwritten are of opinion That it ſhoul[illegible] added to the Articles of Union as follows [illegible] reſpect the Importation of victuall into Scot[illegible] from any part beyond ſea would prove a [illegible] ragement to Tillage Therfore that the [illegible]

as now in force by the law of Scotland againſt Importation of victuall from Ireland or any other place beyond ſea into Scotland, doe after the Union remain in the ſame force as now it is."

AND after ſome reaſoning It was propoſed to add to the above report the ſubſequent clauſe viz. "Untill more proper & effectuall wayes be provyded by the Parliament of Great Britain for discourageing the Importation of the ſaid victuall from beyond ſea."

AND after ſome further reaſoning the ſaid ſecond report was agreed to And it was put to the vote Add the above clauſe to the ſaid report or Not and it carried Add.

THERAFTER an overture for an Act for additionall præmiums on exportation of victuall to commence the First of February & to end the last of Aprile both next to come incluſive given in and read And agreed that the ſame be taken into conſideration immediatly after the reports relateing to the ſexth article of Union.

THEN a third report brought in from the ſaid Committee was read in theſe terms "The Committee of Parliament appointed for conſidering the ſexth article of the Treaty of Union and propoſalls made in Parliament relative thereto having conſidered the clauſe mentioned in the tuenty ſeventh dayes minuts anent the makeing & exporting of Plaiding, Fingrams, Galloway-whytes, Sarges, Stockings, and all ſorts of Linnen to England dominions & plantations thereof or any part beyond ſea free of any duety or impoſition And having conſidered the Engliſh acts of Parliament relative therunto particularly the thirty ſecond Act primo Gulielmi et Mariæ and the 20 Act Gul: undecimo et duodecimo in regaird there appears to be no reſtraint at preſent regulateing the way and manner of makeing Engliſh woollen cloaths & others to be exported, And that all the woollen manufactures are declared to be free of duety & impoſition whatſomever at exporting And that by the ſaid ſexth article of the Treaty of Union all parts of the united Kingdome are to have the ſame allowances & encouragements wherfore the Committee are of oppinion that the adding the forſaid clauſe to the Articles of Treaty is unneceſsar."

AND after debate the vote was put Approve of the ſaid third report or Not And it carried Approve.

THEREAFTER a fourth report was brought in from the ſaid Committee and read in theſe terms viz. "The Committee to whom the conſideration of the ſexth article of the Union and propoſalls made in Parliament relative thereto are remitted, having Conſidered that clauſe mentioned in the tuenty ſeventh dayes minuts That after the Union all ſorts of Scots linnen or any kind of cloath made of Flax or Hemp be exported out of the united Kingdome free of all Cuſtomes or Impoſitions quhatsoever After full reaſoning on the ſaid clauſe the Committee are of opinion That the adding of the ſaid clauſe to the articles of the Treaty of Union is unneceſsary the Engliſh duety on linnen being only ſex pence Sterling on the fourty Engliſh elns."

AND after debate thereon a vote was ſtated Approve of the ſaid fourth report of the Committee or Alter And it carried Approve.

THEN the Lord Chancellor by ordor of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Order for burning a scurrilous print]

ORDERED that a Scurrilous print Entituled Queries to the Presbyterian Noblemen, Barrons, Burgeſses, Miniſters & Commoners in Scotland who are for the ſcheme of an Incorporating Union with England according to the Articles agreed upon by the Commiſsioners of both Nations be burned by the hand of the common hangman at the mercat Croſs of Edinburgh to morrow betuixt eleven and tuelve of the clock And the Magiſtrats of Edinburgh appointed to ſee the ſame punctually done.

AND Remitted to the Committee of Parliament to whom the ſixth & eight articles of Union are remitted to make Enquiry anent the printer author and ingiver of the ſaid ſcurrilous paper.

[6th Article of Union;—Proceedings thereon]

A FIFTH report was then brought in from the Committee to whom the ſixth article of Union is remitted and read in theſe terms, "The Committee of Parliament appointed for conſidering the ſexth Article of Union, and proposalls made in Parliament relative therto, having Conſidered the clauſe underwritten, are of opinion that it ſhould be added to the articles of Union as followes Excepting and reſerving the duties upon Export and Import of ſuch particular Commodities from which any perſones the subjects of either Kingdome are ſpecially liberated and exempted by their privat rights which after the Union are to remain ſafe & entire to them in all reſpects as before the ſame."

AND after ſome reaſoning It was put to the vote Approve of the ſaid fifth report or Not And it carried Approve.

A SEXTH report brought in from the ſaid Committee was read in theſe terms " The Committee are alſo of opinion That there be a clauſe added to the Articles of Union in theſe terms viz. That from and after the Union no Scots Cattell carried into England ſhall be lyable to any other dueties either on the publick or privat accounts than theſe dueties to which the Cattell of England are or ſhall be lyable within the ſaid Kingdome."

AND a vote was ſtated Approve of the ſaid ſexth report or Not, and it carried Approve.

A SEVENTH report was brought in from the said Committee and was read in theſe terms " The Committee having conſidered the clause mentioned in the twenty ſeventh dayes Minuts which was deſired to be added to the Articles of Union viz. That Scotland ſhall be free from and noe wayes ſubject to the prohibitions against exporting of wool ſheep and lamb ſkins with wool upon them and woollen yairn for the ſpace therein mentioned After full reaſoning theranent the Committee are of opinion that the foreſaid clauſe ought not to be added to the Articles of the Treaty But that the exporting of wool ſheep & lamb ſkins with wool upon them and woollen yearn ought to be under the ſame prohibitions as in England."

AND after reaſoning a ſtate of a vote was offered Approve of the ſaid ſeventh report of the Committee as to all except mort lamb-ſkins, and remitt to the ſaid Committee to receave overtures for encouragement of Woolmaſters and Woollen Manufactures Yea or Not

AFTER ſome reaſoning It was propoſed that a premium be given upon exportation of coarſe Cloath made of tarred wool for encouragement of the Woolmaſters And therafter a reſolve offered in theſe terms " Reſolved that there ſhall be an encouragement provided to the Heretors of Wool Countries in caſe the report of the Committee anent the exportation of wool &c. be approven."

AND after ſome reaſoning a propoſall was given in for adding a clauſe in theſe terms, " And for Remeeding the loſs Woolmaſters may ſuffer & for encouraging the manufactoring of tarred wool within the Kingdome and to prevent effectually the exporting therof It is provided & declared that for the ſpace of ſeven years after the Union when the tarred wool within the ſhyres of Roxburgh Selkrig & Tweedale is at four pounds Scots or under for the ſtone weight fifteen ſhillings Scots ſhall be paid of premium for every ſtone weight of tarred wool to every Woolmaſter who within a moneth after the said tarred wool is clipped or ſhorn off the ſheep ſhall by his own oath or the oaths of two habile witneſses before any Judge ordinar make appear that the number of ſtones of tarred wool ſpecified in the ſaid oaths were really & truely clipped and ſhorn from ſheep in Scotland properly belonging to the perſons mentioned in the ſaids oaths And which præmium ſhall be payed by the next Collector of Ceſs Exciſe or Customes upon delivering to them the foreſaid Depoſitions ſigned by the deponents & Judge foreſaid with a receipt of the money and the ſaid Collectors and each of them ſhall be perſonally lyable for the ſaid præmium upon Instruments taken against them in caſe of refuſeall and the foreſaid depoſitions and receipt ſhall be allowed to the ſaid Collectors as an exoneration in their accompts pro tanto."

AND after ſome furder debate It being moved that the ſaid ſeventh report be remitted back to the Committee with the ſeverall propoſalls made theranent

A SECOND ſtate was offered for a vote in theſe terms Approve of the ſaid ſeventh report of the Committee, or Remit the ſame and propoſalls theranent back to the Committee.

AFTER debate which of the two ſhould be the ſtate of the vote Whither first or ſecond It was put to the vote First or Second And it carried Firſt.

THERAFTER the vote was put Approve of the ſeventh report of the Committee as to all except mort lamb ſkins And remit to the ſaid Committee to receave overtures for encouragement of the Woolmaſters and Woollen Manufacture or Not And it carried Approve in the terms of the ſtate.

[John Henry Huguetan]

PETITION of John Hendrie Huguetan and his factor Craving to be naturalized, And alſo Craving a protection read and the conſideration thereof delayed till the firſt Sederunt of Parliament on private buſsineſs, to be then taken into conſideration next after the Act in favours of the burgh of Dundee.

THE Committee appointed to meet in the uſuall place to morrow at nine of the clock.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten of the clock.

DECEMBER XVI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſs against the Union]

ADDRESS of Barrons Freeholders and others within the ſhyre of Berwick ſubſcribers of the ſame against an Union with England in the terms of the Articles given in and read.

[Order for burning a ſcurrilous print]

A SCURRILOUS print aſſerting the dependencie of the Crown and Kingdome of Scotland upon the Crown and Kingdome of England brought in and ſeverall paragraphs therof being read

ORDERED that the ſaid ſcurrilous print be burn'd by the hand of the common hangman at the mercat Croſs of Edinburgh to morrow betuixt eleven and tuelve of the clock And the Magistrats of Edinburgh appointed to ſee the ſame punctually done.

[6th Article of Union;— Proceedings thereon]

AN eight Report from the Committee to whom the ſexth article of Union is remitted brought in and read in theſe terms viz. " The Committee of Parliament to whom the ſexth article of the Treaty was remitted having considered the remit to them with the books of rates both for Scotland and England and the ſeverall Acts of Parliament relateing thereto the ſchemes or abſtracts from the Custome houſe books given in to them from the Council of Trade and the Report theranent of their ſub-committee who on a report from them had compared the cuſtomes and duties on export & import ſetled in England with theſe ſetled in Scotland, and had calculated the duties payable in Scotland upon Tarr, Tobacco, Iron, Dales, ſingle and double Trees, Lint, and Lintſeed, and compared the ſame with the dueties payable upon the ſame goods in England at a medium of the three years whereof they had the ſaid abſtracts from the Cuſtome houſe books They find that as to the Cuſtomes and dueties on export and import in generall the Cuſtomes in Scotland belong to the Crown and are perpetuall whereas thoſe in England terminat at a certain number of years viz. about tuo fifteen parts therof at 8th March 1709 years nine fifteen parts thereof at first August 1710 about three fifteen parts thereof continue only during her Majesties life and about one fifteen part thereof for ninety five years And that the dueties upon exportation which were granted 12° Car: 2. Cap: 4. are eaſie have never been augmented ſave upon a very few particulars, and terminat the first of August 1710 That theſe goods which Contribute to Luxury and theſe that are manufactured or can be had within the Island are thoſe that pay high duties when Imported but that the whole or most of the customes & duties payed at Importation are drawn back upon exportation if exported within a certain tyme except a moity of old ſubſidy which is very ſmall and which is Impoſed by the forsaid Act 12° Car: 2. Cap: 4. and terminats the first of August 1710. That the duties upon the before mentioned goods at the above medium payable in Scotland by the nearest calculation can be made amounts to 253184 l. 15s. 7d. and now payable in England to 413559 l. 8s. 4d. and payable in England after 1710 to 129640 l. 9s. 8d. Scots and the duties upon our Linnen cloath and Cattell imported into England by the above medium amounts to 272629 l. 3s. 10d. money foreſaid So that it is the opinion of the Committee the dueties after 1710 will be much eaſier than now they are: and even as they ſtand now payable in England conſidering the dueties that are upon Scots goods imported into England and taken off by the Treaty the Customes of Scotland taken together even before the first of August 1710 will be eaſier than now they are."

AND after ſome reaſoning theron A ſtate of a vote was offered Approve of the ſexth article of Union as explained & enlarged or Not.

BUT it being moved that the vote could not be ſtated in theſe terms in reſpect what concerned the Affrican Company fell under the ſaid ſexth article which was to be conſidered.

WHEREUPON it was agreed that what concerns the Affrican Company ſhall be intire and be taken into conſideration under the fifteenth article and that the approveing of the ſexth article ſhall not be prejudiciall therto.

AND the above ſtate for a vote being again propoſed After some debate it was moved That the ſaid article ſhould be furder amended And therupon a ſecond ſtate of a vote was offered in theſe terms Approve or Amend.

WHERUPON the ſaid ſexth article with the ſeverall additions enlargements and explanations aftermentioned contained in ſeverall former minuts viz. the word 'drawbacks' to be inſert in both clauſes of the ſaid Article Item "And ſeeing by the laws of England notwithſtanding there are rewards granted upon exportation of certain kinds of Grain wherein oats grinded or ungrinded are not ſpecified That from & after the Union when oats ſhall be at fifteen ſhillings Sterling per quarter or under there ſhall be paid tuo ſhillings & ſex pence Sterling for every quarter of the oat meall exported in the terms of the Law wherby and so long as rewards are granted for exportation of other grains and that the Bear of Scotland have the ſame rewards as Barley."

Item " And in reſpect the Importation of victuall into Scotland from any part beyond sea would prove a discouragement to Tillage Therefore that the prohibitions as now in force by the Law of Scotland against importation of victuall from Ireland or any other place beyond ſea into Scotland Doe after the Union remain in the ſame force as now it is untill more proper and effectuall wayes be provided by the Parliament of Great Britain for discourageing the Importation of the ſaid victuall from beyond ſea" Item " Excepting and reſerving the duties upon export and import of ſuch particular Commodities from which any perſones the ſubjects of aither Kingdome are ſpecially liberated and exempted by their private rights which after the Union are to remain ſafe and intire to them in all respects as before the ſame" Item " That from and after the Union no Scots Cattle carried into England ſhall be lyable to any other dueties either on the publick or private accompts than theſe dueties to which the Cattell of England are or ſhall be lyable within the ſaid Kingdome" being all read over It was put to the vote Whither the First or Second ſhould be the ſtate of the vote And it carried First.

THEN the vote was put Approve of the ſaid ſexth article as enlarged & explained or Not And it carried Approve.

[Act anent premiums on exportation of victual]

DRAUGHT of an Act for additionall premiums on exportation of victuall to commence the first of February and to end the last of Aprile both next to come again read and a first reading ordered to be marked theron.

[8th Article of Union read]

THE eight article of Union read and the first clauſe or paragraph thereof was alſo again read.

WHERUPON a report brought in from the Committee to whom the said eight article is remitted was read in theſe terms " The Committee to whom the eight article of Union anent dueties upon ſalt was remitted are of opinion that after the first clauſe of the ſaid article an explanation in the terms following will be neceſsar.

But in regaird the duties of great quantities of foraign ſalt imported may be very heavie upon the merchands importers That therfore all forraign ſalt Imported ſhall be Cellar'd & Lock'd up under the custody of the merchand importer and officers imployed for levying the dueties upon salt and that the merchand may have what quantities therof his occaſion may require not under a weigh or fourty Buſhells at a tyme Giveing ſecurity for the duety of what quantity he receaves payable in ſex moneths "

AND after ſome reaſoning thereon the furder conſideration of the ſaid eight article and report was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Earle of Caithnes took the oath of alledgiance subſcribed the ſame with the aſsurance and took the oath of Parliament.

[8th Article of Union; Proceedings thereon]

THE first clauſe or paragraph of the eight article of Union again read with the Report of the Committee in relation therto for explanation of the same insert in the former dayes Minuts.

AND after reaſoning therupon The vote was ſtated Approve of the ſaid first paragraph with the report of the Committee for explanation of the ſame Yea or Not.

AND before voteing the ſaid paragraph & report of the Committee for explanation of the ſame were again read.

THEN the vote was put Approve or Not And it carried Approve.

THEN that clauſe of the ſaid eight article of Union anent the ſalting of fleſh for exportation, or victualing of ſhips read, as alſo a Report of the Committee relative thereto for altering the ſame which after ſome reaſoning was amended and again read in theſe terms " And for eſtabliſhing an equality in Trade that all fleſhes exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the ſeas and proviſions for ſhips in Scotland and for foreigne voyages may be ſalted with Scots ſalt paying the ſame duety for what ſalt is ſo employed as the like quantity of ſuch ſalt payes in England, and under the ſame penalties forfeitures & proviſions for preventing of frauds mentioned in the Engliſh lawes."

AND after further reaſoning thereon, It was put to the vote Approve of the report as amended or Not And it carried Approve.

THEN the following clauſe of the ſaid eight article of Union in relation to the continueing in force the Laws and Acts of Parliament in Scotland for pining cureing & packing of Herrings Whyte

fiſh and Salmond for exportation with foreign ſalt only and for preventing of frauds in cureing and packing of fiſh was read As alſo a report brought in from the Comittee for adding a clauſe therto in theſe terms " But in reſpect it appears from the books of the Royal Fiſherie Company confirmed by practiſe that the quantity of $102\frac{1088}{1200}$ of pounds weight Averdupois of foreign salt which payes eight ſhillings & four pence of duety is neceſsary for the right cureing & packing a barrell of White Herrings Therfor there ſhall be allowed & paid during the preſent allowances for other fiſhes for every barrell of White Herrings which ſhall be exported ten ſhillings Sterling."

THERAFTER a petition of the ſalt owners, fiſhers of Herrings & whyte fiſh and others who make uſe of Scots ſalt was given in craving that ſuch amendments might be made to the ſaid eight article of Union as would put them in an equall footing with their neighbours in England with regaird to their ſalt, and alſo the freedome of making ſalt upon ſalt.

WHICH being read after ſome debate theron and upon the above laſt inſert report of the Committee the furder conſideration therof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till the morrow at ten of the clock.

DECEMBER XVIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union]

ADDRESS of the Toun and parochine of Lawder & Chinghill kirk ſubſcribing the ſame And Addreſs of Heretors liferenters elders parochiners and remanent indwellers in the paroch of Calder subſcribers of the same both against an Union with England in the terms of the articles given in and read.

[8th Article of Union;—Proceedings thereon]

THERAFTER another Report brought in from the Committee to whom the eight article of Union is remitted was read in theſe terms " That White Herrings Red Herrings, Salmond, dry or barrelled Codd and all fiſhes cured or packed in order to exportation ought to be cured and packed with foreign salt allennarly and that it does require four bolls of foreign ſalt to cure and pack a laſt of whyte herring."

AND after much debate thereupon a motion was made for amending that clauſe of the ſaid eight article of Union mentioned in the former dayes minuts in relation to the continowing in force the Laws and Acts of Parliament in Scotland for pining cureing and packing of Herrings White fish and Salmond for exportation with foreign ſalt only by adding theſe words, " Without any mixture of Britiſh or Iriſh salt."

AND the addition being accordingly made the clauſe as ſo amended was read over.

AND after ſome furder debate the vote was put Approve the said clauſe as amended Yea or Not And it carried Approve.

THERAFTER it was propoſed that the Parliament ſhall proceed to conſider the drawbacks.

AND it was alſo propoſed that the Parliament should proceed to conſider how far allowance should be given for Importation of forreign salt in order to the makeing salt upon salt The furder conſideration of which motions was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XIX, M,DCC,VI.

PRAYERS said Rolls called.

THE Earle of Caithnes protested against calling the Earle of Glencairn in the Rolls of Parliament before him.

MINUTS of the laſt Sederunt read.

[Commiſsioners of Supply]

ADDITIONAL liſt of Commiſsioners of Supply for the ſhyre of Caithnes given in & read and ordered to be added to the Commiſsioners formerly named for that ſhyre And all members allowed to bring in liſts of Commiſsioners of Supply to be added to these already named at any tyme dureing this Seſsion of Parliament.

[8th Article of Union;—Proceedings thereon]

THERAFTER the laſt Clause of the Eight article of Union in relation to the allowing of premiums and drawbacks was read As also a Report brought in from the Committee to whom the ſaid eight article was remitted inſert in the Minuts of the xviith inſtant number 39 in these terms " But in respect it appears from the books of the Royall Fiſherie Company confirmed by practiſe That the quantity $102\frac{1088}{1200}$ of pound weight Averdupois of foraign salt which pays eight ſhillings & four pence of ducty is neceſsary for the right cureing and packing a barrell of white herrings Therfore there ſhall be allowed and payed dureing the present allowances for other fiſhes, for every barrell of whyte

herrings which ſhall be exported Ten ſhillings Sterling."

AND another Report brought in from the ſaid Committee was also read in these termes "That fixteen ſhillings and eight pence upon every barrell of Salmond ſix ſhillings and eight pence upon every barrell of Red Herrings that two pounds ten ſhillings upon every hundred Cod fiſh Ling or Hack of twenty four inches and upwards from the bone in the fin to the third joynt of the tale One pound fifteen ſhilling Sterling for every ſuch fiſh of the length of eighteen inches & upwards and under twenty four inches and one moyety of the forſaid allowance for every ſuch fiſh dryed commonly called Haverdenes of the like dimenſions (being the drawbacks allowed by the English laws upon the exportation of thoſe fiſhes) are ſufficient encouragements."

AND after reasoning on the above ſeverall reports It being moved a higher drawback ſhould be allowed upon the exportation of white herring

AFTER ſome further debate theron the ſaid last clause of the Eight article of Union was agreed to with this addition "That there ſhall be allowed and payed to the ſubjects inhabitants of Great Britain dureing the present allowances for other fiſhes for every barrell of whyte herrings which ſhall be exported from Scotland Ten ſhillings and fyve pence Sterling."

THERAFTER another Report brought in from the ſaid Committee was likeways read in these termes "That there ought to be no drawback upon the exportation of ſalted beef & pork" And after debate therupon The furder conſideration therof was delayed till the next Sederunt of Parliament.

THEN the Lord Chançellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till the morrow at ten of the clock.

DECEMBER XX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Drawbacks on export of Beef & Pork]

THEN the debate mentioned in the Minuts of the last Sederunt in relation to the allowing of drawbacks upon the exportation of Beef and Pork was reſumed, And after ſome furder debate therupon The vote was ſtated Approve of the Report of the Committee or Alter.

AND before voteing it was agreed That the members votes ſhall be marked And that the list of their names as they ſhall vote ſhall be printed and recorded.

THEN the vote was put Approve or Alter And it carried Alter. And the List of the members names as they voted Approve or Alter is as followes.

APPROVERS

Of the Nobility.

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Loudoun Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Findlater
Belcarras
Forfarr
Kintoir
Dunmore
Marchmount
Cromarty
Stair
Roseberry
Glasgow Thr dep.
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphinstoun
Roſs
Cranstoun
Banff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons.

Robert Dundaſs of Arneſtoun
Sr Robert Dickson of Inverask
Wm Niſbet of Dirletoun
Jon Cockburn younger of Ormiestoun
Sr Jon Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Ker of Greenhead
Archibald Dowglaſs of Cavers

Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Morison of Prestongrange
Alex^r Horſeburgh of that Ilk
George Bayllie of Jerviswood
Sr John Johnstoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtlestewart
Mr Francis Montgomerie of Giffan
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
John Halden of Glenagies
Mongo Graham of Gorthie
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
S^r W^m Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex^r Abercrombie of Glaſsoch
Alexander Dowglaſs of Egilshaw
John Bruce of Kinroſs

Of the Burrows.

Lieu^t Co^ll Jo^n Areſkin
John Mure
Sr John Areskine
Mr Pat. Moncreiff
Sr Andrew Home
Sr Peter Halket
Sr James Smollett
Mr Wm Carmichell
Mr Wm Sutherland
Sr David Dalrymple
Sr Alex^r Ogilvie
Mr John Clark
John Roſse
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Daniel Campbell
Sr Ro^t Forbes
Mr Robert Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

ALTERERS

Of the Nobility

D: Hamilton
Atholl
M: Annandale
E: Erroll
Eglintoun
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormont
Kilsyth
Garnock
Lo: Saltoun
Sempill
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sr James Fowlis of Collingtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Ro^t Sinclair of Longfarmacus
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Bayllie of Lamingtoun
Jo^n Sinclair younger of Stevinson
John Sharp of Hoddam
Mr Alex^r Ferguson of Isle
Mr John Stewart of Sorbie
Sr Hugh Cathcart of Carletoun
Jo^n Birsbane younger of Bishoptoun
Mr Wm Cochrane of Kilmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
James Grahame of Buchlyvie
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
Alexander Gordon of Pitlurg
John Udney of that Ilk
Wm Seton younger of Pitmedden
James More of Stonywood
John Forbes of Colloden
Mr Æneas McLeod of Cadboll
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnagie of Phinhaven
James Ogilvie younger of Boyne
William Maxwell of Cardineſs
Alex^r M^ckye of Palgown
James Sinclair of Stempſter
Sr Henry Innes younger of that Ilk
Mr Alex^r Abercrombie of Tillibody
Mr George McKenzie of Inchcoulter

Of the Burrows

Sr Pat. Johnstoun
Robert Inglis
Alexander Robertson
John Allardyce
Walter Stewart
Alexander Watson

Hugh Montgomerie
Alex[r] Edgar
James Scott
S[r] Jo[n] Anſtruther
Robert Johnstoun
Alex[r] Duff
James Spitle
Francis Molison
Walter Scott
William Coltran
George Smith
Robert Scott
Robert Kellie
Archibald Scheills
Capt. Dan. M[c]Leod
M[r] Jo[n] Lyon
M[r] Dowgall Stewart
George Brodie
George Spens
S[r] David Cuningham
M[r] W[m] Johnſtoun
M[r] John Carruthers
George Home
M[r] Rorie M[c]Kenzie
John Bayne
John Urquhart
S[r] James Stewart
M[r] Robert Forbes

[Drawbacks on export of Beef & Pork]

THERAFTER moved that the Parliament now proceed to the consideration of what Drawbacks ſhall be allowed upon the exportation of Beef and Pork.

MOVED alſo that the conſideration therof be delayed till the next Sederunt of Parliament And after ſome reaſoning

AGREED that the consideration of what drawbacks ſhall be allowed upon exportation of Beef and Pork be delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

DECEMBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Drawbacks on export of Beef & Pork]

THEN the Parliament proceeded to the consideration of what drawbacks ſhall be allowed upon the exportation of Beef and Pork.

AND after ſome debate theron a clauſe was offered in relation therto in theſe terms " And that there ſhall be allowed four ſhillings seven pence half penny Sterling for every Barrell of Beef or Pork ſalted with forraign salt and exported for sale alterable by the Parliament of Great Britain" And after furder reaſoning

AGREED That the Drawback ſhall be five ſhillings Sterling for every Barrell of Beef or Pork And the clauſe was accordingly ſo amended and read.

THEREAFTER it was proposed that the ſaid Drawback ſhall not be alterable by the Parliament of Great Britain dureing the continowance of the duety upon Salt in England.

AND after some debate There were tuo ſtates of a vote offered The first in theſe terms Approve of the above clauſe viz. "And that there ſhall be allowed five ſhillings Sterling for every Barrell of Beef or Pork ſalted with forreign salt and exported for ſale alterable by the Parliament of Great Britain" Yea or Not, And the ſecond ſtate in theſe terms " Continow the premium of five ſhillings upon the Barrell of Beef and Pork till the ſame be altered by the Parliament of Great Britain or during the Impoſition upon ſalt."

AND after ſome reaſoning which of the tuo ſhould be the ſtate of the vote First or Second It was put to the vote First or Second.

AND before voteing It was agreed that the members votes ſhall be marked and that the List of their Names as they ſhall vote ſhall be printed and recorded.

THEN the vote was put First or Second And it carried First. And the List of the Members names as they voted first or ſecond is as followes.

FIRST

Of the Nobility

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdown Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Eglingtoun
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie

Findlater
Northeſk
Belcarras
Forfarr
Kilmarnock
Kintoir
Dunmoir
Marchmount
Cromarty
Stair
Roseberry
Glasgow The^r dep^t
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphinſtoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Justice Clk.

Of the Barrons

Ro^t Dundaſs of Arneſtoun
Sr Ro^t Dickſon of Inveraſk
Wm Nisbet of Dirletoun
Jo^n Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alex^r Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
Alex^r Horseburgh of that Ilk
George Bayllie of Jerviswood
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr William Dalrymple of Glenmuir
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
S^r W^m Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex^r Abercrombie of Glaſsoch
Wm Maxwell of Cardineſs
Alex^r Dowglaſs of Egilshaw
John Bruce of Kinroſs

Of the Burrows

John Scrimsour
Lieu^t Co^ll Jo^n Areskine
John Mure
Sr John Anstruther
Sr John Areskine
Mr Patrick Moncreiff
Sr Androw Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Capt. Daniel McLeod
Sr David Dalrymple
Sr Alex^r Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Sr James Stewart
Daniell Campbell
Sr Robert Forbes
Mr Robert Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND

Of the Nobility

D: Hamilton
Atholl
M: Annandale
E: Erroll
Mariſchall
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormont
Kilſyth
Garnock
Lo: Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven

Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sr James Fowlis of Colingtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Ro: Sinclair of Longfarmacus
Sr Pat. Home of Rentoun
Wm Bayllie of Lamingtoun
John Sinclair younger of Stevinſone
John Sharp of Hoddam
Mr Alexr Fergusſon of Isle
Sr Hugh Cathcart of Carletoun
John Briſbane younger of Biſhoptoun
Mr Wm Cochrane of Kilmaronock
Sr John Houſtoun of that Ilk
James Graham of Buchlyvie
Robert Rollo of Powhouſe
Sr Patrick Murray of Auchtertyre
John Murray of Strowan
Sr David Ramsay of Balmain
Alexr Gordon of Pitlurg
John Udney of that Ilk
James More of Stonywood
John Forbes of Colloden
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Ochterhouſe
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Alexr McKye of Palgown
James Sinclair of Stempſter
Sr Henry Innes younger of that Ilk
Mr Alexr Abercrombie of Tillibody
Mr George McKenzie of Inchcoulter

Of the Burrows

Robert Inglis
Alexr Robertson
John Allardyce
Walter Stewart
Alexr Watſon
Hugh Montgomerie
John Black
James Oswald
James Scott
Patrick Bruce
Robert Johnstoun
Alexr Duff
Francis Molison
Walter Scott
William Coltran
George Smith
Robert Scot
Robert Kellie
Archbald Scheilds
Mr John Lyon
Mr Dowgald Stewart
George Brodie
George Spens
Sr David Cuningham
Mr John Carruthers
George Home
Mr Rot Fraser

THERAFTER it was put to the vote Approve of the clauſe or Not And it carried Approve, And the List of the Members names, as they voted Approve or Not is as followes.

APPROVERS

Of the Nobility

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Eglingtoun
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie
Findlater
Northesk
Belcarras
Forfarr
Kilmarnock
Kintoir
Dunmore
Marchmount
Cromarty
Stair
Roseberry
Glasgow The Dep
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphinſtoun
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Rollo
Lo: Register
Lo: Justice Clk.

Of the Barrons

Ro^{t} Dundaſs of Arniſtoun
Sr Ro^{t} Dickson of Inuereſk
Wm Nisbet of Dirletoun
Jo^{n} Cockburn younger of Ormieſtoun
Sr John Swintoun of that Ilk
Sr Alex^{r} Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
Alexander Horſeburgh of that Ilk
George Bayllie of Jerviswood
Wm Douglaſs of Dornock
Mr Wm Stewart of Castleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Ro^{t} Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
Sr Wm Anstruther of that Ilk
James Halyburton of Pitcurr
Alex^{r} Abercrombie of Glaſsoch
William Maxwell of Cardineſs
Alexander Dowglas of Eglishaw
John Bruce of Kinroſs

Of the Burrows

Robert Inglis
Alex^{r} Robertſon
John Scrimsour
Lieu^{t} Co^{ll} Jo^{n} Areſkine
Walter Stewart
Hugh Montgomerie
John Mure
Sr John Anſtruther
Robert Johnſtoun
Sr John Areſkine
Mr Pat. Moncreiff
Sr Androw Home
Wm Coltrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Capt. Dan. McLeod
Sr David Dalrymple
Sir Alex^{r} Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
William Alvis
Mr Rorie McKenzie
John Urquhart
Sr James Steuart
Sr Robert Forbes
Mr Ro^{t} Dowglaſs
Mr Alex^{r} Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility

D : Hamilton
Atholl
M : Annandale
E : Erroll
Mariſhall
Caithnes
Wigtoun
Galloway
Selkirk
V : Stormont
Kilsyth
Lo : Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sr James Fowlis of Collingtoun
Androw Fletcher of Saltoun
Mr Alex^{r} Fergusone of Isle
John Brisbane younger of Bishoptoun
Mr Wm Cochrane of Kilmaronock
Sr Jo^{n} Houſtoun of that Ilk
James Graham of Bucklyvie
Robert Rollo of Powhouse
John Murray of Strowan
James More of Stonywood
Mr Thomas Hope of Rankeillor
Mr Pat. Lyon of Ochterhouse
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd

Of the Burrows

Francis Molison
Robert Kellie

Mr John Lyon
Mr John Carruthers
George Home

[8th Article of Union] THERAFTER theſe clauſes of the eight article of Union in relation to Scots ſalt were read and the first clauſe or paragraph thereof again read And after ſome reaſoning thereon It was moved that the exemption from the duety of Scots ſalt provided by the ſaid clauſe to be for ſeven years ſhall be perpetuall And after ſome furder debate the consideration thereof was delayed till next Sederunt of Parliament to be then resumed previous to all other buſineſs.

THEN the Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXIV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Addreſs against the Union] ADDRESS of Gentlemen & heretors of the paroches of Mayboill, Kirkmichell, Girvan, Kirkoswald and Barr, and of the Magistrats and Toun Council of Mayboll and others Inhabitants of the ſaid parochins within the jurisdiction of Carrick ſubſcribers of the ſame against an Union with England in the terms of the articles given in and read.

[Commissioners of Supply] ADDITIONAL Lists of Commiſsioners of Supplie for the ſhyres of Linlithgow, Dunbartan, Argyle and Elgin given in and read and ordered to be added to the Commiſsioners formerly named for the ſaid respective ſhyres.

[8th Article of Union;—Proceedings thereon] THERAFTER theſe clauſes of the eight article of Union in relation to Scots ſalt were again read.

AND after ſome reaſoning thereon a clauſe was given in to be added therto in theſe terms "And with proportionall Drawbacks & Allowances as in England with this exception That Scotland after the ſaid ſeven years ſhall remain exempted from the duety of tuo ſhillings & four pence a buſhell on Home ſalt impoſed by an act made in England in the 9th & 10th of King William the third of England And if the Parliament of Great Britain ſhall at or before the expireing of the ſaid seven years subſtitute any other fund in place of the said tuo ſhillings & four pence of exciſe on the Buſhell of Home ſalt Scotland ſhall after the ſaid ſeven years bear a proportion of the ſaid fund and have an equivalent in the terms of the Treaty."

AND after further reaſoning on the ſaid clauſe another clauſe was given in in theſe terms "But Scotland ſhall in all tyme after the Union be exempted from paying of all duty or tax on ſalt made in Scotland in ſo far allennarly as the ſaid ſalt shall be made uſe of within that part of Great Britain now called Scotland But all ſalt made in Scotland from and after the Union that ſhall be exported to that part of Great Britain now called England or to any other Nation in specie or that ſhall be imployed in ſalting of fiſh or fleſh to be exported or for victualling of ſhips to goe to England or any other Nation ſhall be lyable to the ſame dueties as ſhall be then payable for ſalt made in England to be levied and ſecured in the ſame manner and with the like Drawbacks & Allowances as in England And that after the Union no ſalt whatſomever be brought from Scotland to England by land in any manner under the penalty of"

AND after furder debate on the ſaid tuo clauſes The vote was ſtated Approve of the ſaid First clauſe or Second.

BUT before voteing It was agreed that the members votes ſhall be marked and that the list of their names as they ſhall vote be printed and recorded, And the Duke of Atholl gave in the following protest "Wheras ſalt is the most uſefull and neceſsary ingredient in all ſorts of victualls any dueties or exciſes on the ſame may prove a most grievous and inſupportable burthen especially on the Commons I Doe therfore protest for my ſelf and in name of all who ſhall adhere That the people of this Kingdome now called Scotland ſhall be free for ever of any dueties and exciſes on the ſalt made within this Kingdome."

WHICH being read he took inſtruments thereupon.

THEN the vote was put Approve of the First clauſe or the Second and it carried First. And the List of the Members names as they voted First or Second is as followes.

FIRST

Of the Nobility

M: Montroſe P. S. C
D: Argyle
M: Tweedale
Lothian
E: Mar Sec:
Loudon Sec:
Craufurd
Sutherland
Rothes
Morton
Buchan

Glencairn
Abercorn
Roxburgh
Haddingtoun
Lauderdale
Dalhouſie
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintore
Dunmore
Marchmont
Cromartie
Stair
Roſeberrie
Glaſgow The^r Dep^t
Hopetoun
Delorain
Ilay
V: Duplin
Lo: Forbes
Elphingstoun
Roſs
Torphichen
Fraſer
Banf
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons

Sir Robert Dickſon of Inuerask
William Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sir John Swinton of that Ilk
Sir Alex^r Campbell of Ceſsnock
Sir Wm Ker of Greenhead
Archbald Douglas of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Prestongrange
Alex^r Horſburgh of that Ilk
Geo: Baillie of Jerviswood
Sir John Johnstoun of Weſterhall
Wm Douglaſs of Dornock
Mr Wm Stewart of Caſtleſteuart
Mr John Steuart of Sorbie
Mr Francis Montgomerie of Giffen
Mr Wm Dalrymple of Glenmuir
Mr Robert Steuart of Tillicultrie
Sir Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Hadden of Glennagies
Mungo Graham of Gorthie
Sir Thomas Burnet of Leys
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Sir Kenneth McKenzie
Mr Æneas McLeod of Cadbole
Mr John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglas
Sir W^m Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex^r Abercrombie of Glaſsoch
Mr James Dunbar younger of Hemprigs
Alex^r Douglas of Egilſhaw
John Bruce of Kinroſs

Of the Burrows

Sir Pat. Johnſtoun
John Scrimſeour
Lieu^t Colo^ll Jo^n Areskine
John Muire
James Scott
Sr Jo^n Areskine
James Spittle
Mr Pat. Moncreif
Sir Andrew Home
Sir Peter Halket
Sir James Smollet
Mr Wm Carmichael
Mr Wm Sutherland
Sir David Dalrymple
Sir Alex^r Ogilvie
Mr John Clerk
John Roſs
Sir Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alves
Mr James Bethun
John Urquhart
Dan: Campbell
Sir Robt Forbes
Mr Robt Douglas
Mr Alex^r Maitland
Mr Geo: Dalrymple
Mr Cha: Campbell

SECOND

Of the Nobility

D: Hamilton
Athole
M: Annandale
E: Erroll
Mareſchall
Eglintoun
Cathnes
Wigton
Galloway
Selkirk
V: Stormont

Kilſyth
Lo: Salton
Oliphant
Balmerino
Blantyre
Barganie
Beilhaven
Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sir John Lauder of Fountainhall
And: Fletcher of Salton
Sir Robt Sinclair of Longformacus
Sir Pat. Home of Renton
Sir Gilbert Elliot of Minto
Wm Baillie of Lamingtoun
John Sinclair younger of Stevenson
John Sharp of Hoddam
Mr Alex^{r} Ferguſson of Isle
Sir Hugh Cathcart of Carleton
John Brisban younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sir John Houſtoun of that Ilk
John Graham of Killairn
James Graham of Buchlyvie
Robt Rollo of Powhouſe
Tho: Sharp of Houstoun
Sir Pat. Murray of Auchtertyre
John Murray of Strouan
Sir David Ramſay of Balmain
Alex^{r} Gordon of Pitlurg
John Udney of that Ilk
John Forbes of Colloden
Dav: Bethun of Balfour
Major Henry Balfour of Dumboig
Mr Thomas Hope of Rankeilor
Mr Pat. Lyon of Auchterhouſe
Mr James Carnegie of Phinhaven
Dav: Graham younger of Fintrie
James Ogilvie younger of Boyne
Wm Maxwell of Cardines
Alexander McKye of Palgoun
James Sinclair of Stempſtir
Sir Henry Innes younger of that Ilk
Mr Alex^{r} Abercrombie of Tillibody
Mr Geo. Mackenzie of Inchculter

Of the Burrows

Robert Inglis
Alex^{r} Robertſon
John Allardyce
Walter Steuart
Alex^{r} Watſon
Hugh Montgomerie
Alex^{r} Edgar
John Black
James Oswald
Robert Johnſtoun
Alex^{r} Duff
Francis Moliſon
Walter Scott
Wm Coltran
Geo. Smyth
Robt Scott
Ro. Kellie
Arch. Sheills
Capt. Dan: McLeod
Mr John Lyon
Mr Dougald Steuart
Geo: Brodie
Geo: Spence
Sir Dav: Cuninghame
Mr Wm Johnſtoun
Mr John Caruthers
Geo: Home
Mr Rorie McKeinzie
Mr Robt Fraſer

AND at calling the rolls the Duke of Hamilton the Marques of Annandale the Earle of Erroll the Earle Mariſchall the Earle of Caithnes the Earle of Wigtoun the Earle of Galloway the Earle of Selkirk the Viscount of Stormont the Viscount of Kilſyth the Lords Saltoun Oliphant Balmerino Blantyre Bargany Beilhaven Colvill & Kinnaird George Lockhart of Carnwath Andrew Fletcher of Saltoun Sr Ro^{t} Sinclair of Longformaeus John Sinclair younger of Stevinſon Mr Alex^{r} Ferguſson of Isle John Brisbane younger of Biſhoptoun Mr Wm Cochran of Kilmaronock James Graham of Buchlyvie Robert Rollo of Powhouſe Sr Pat. Murray of Auchtertyre John Murray of Strowan Mr Thomas Hope of Rankeillor Mr Patrick Lyon of Auchterhouſe Mr James Carnagie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boyn Alex^{r} McKye of Palgown Mr George McKenzie of Inchcoulter Alex^{r} Robertſon Alex^{r} Watſon Alex^{r} Edgar John Black Francis Moliſon Ro^{t} Scott Ro^{t} Kellie Archibald Sheills Mr John Lyon Sr David Cuninghame George Home and Mr Robert Fraſer adhered to the Duke of Atholls proteſt.

THERAFTER it was moved to read over the ſaid eight article of Union with the ſeverall additions & alterations, in order to the approveing thereof.

BUT it being moved that the ſaid article with the additions & alterations ſhould be first tranſcribed The ſame was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majeſties high Commiſsioner Adjourned the Parliament till Thursday next at ten of the clock.

DECEMBER XXVI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Addreſs against the Union] ADDRESS of parochiners of Clackmannan ſubſcribers of the ſame against an Union with England, in the terms of the articles given in and read.

[8th Article of Union approved] THEREAFTER the eight article of Union with the ſeverall alterations additions and enlargements was twice read over.

AND the vote being ſtated Approve of the ſaid eight article as amended or Not It carried Approve.

[15th Article of Union;—Proceedings thereon] THEN the ſecond clauſe of the fifteenth article of Union beginning with theſe words "And in regaird that after the Union Scotland" was read and after some reaſoning thereon It was agreed to.

THE third clauſe of the ſaid fifteenth article beginning with theſe words "And for the further and more effectuall anſwering" was alſo read and agreed to.

THE fourth clauſe beginning with theſe words "And that upon the ſaid account there ſhall be anſwered to Scotland" was likewayes read and agreed to.

THE fifth clauſe of the ſaid fifteenth article beginning with theſe words "And whereas from the expiration of ſeven years" was alſo read and ordered to be delete being determined by the eight article.

THE ſixth clauſe beginning "And generally that an equivalent ſhall be anſwered to Scotland" was read And the words (or Salt) appointed to be delete And after ſome reaſoning on the ſaid clauſe after deleting theſe words The vote was put Approve of the ſaid clauſe or Not And it carried Approve.

THEN the ſeventh clauſe of the ſaid fifteenth article beginning thus "And as for the uſes to which the ſaid ſum of Three hundred ninety eight thouſand" was read As alſo the repreſentation of the Council Generall of the Company of Scotland tradeing to Affrica and the Indies And the conſideration of both delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Proceedings as to unwarrantable & illegal meetings] THE Lord Chancellor acquainted the Parliament That notwithſtanding the ſeverall Addreſses brought in and preſented to the Parliament against an Incorporating Union with England in the terms of the articles have been under due conſideration dureing the whole procedure upon the articles of Union yet there is now Information that Letters are ſent through ſeverall corners of the Kingdome Deſireing the ſubſcribers of theſe Addreſses to come in and aſsemble at Edinburgh upon pretence of waiting the effect of the ſaid Addreſses and of knowing what Return the Parliament will give them All which he was directed by his Grace her Majesties High Commiſsioner to lay before the Parliament to the effect proper meaſures may be reſolved upon for preventing any evil conſequences from theſe practiſes.

AND after ſome diſcourſe thereupon A proclamation was brought in and read against all ſuch meetings & gatherings of the ſubjects as unwarrantable and contrair to Law And after furder diſcourſe as to the ground of the Information

HER Majesties High Commiſsioner was pleased to ſignifie to the Parliament That he had Information from ſeverall corners of the Kingdome of the great pains and methods which had been uſed to procure Subſcriptions to Addreſses and to call in to Edinburgh the subſcribers against a preciſe day to back theſe Addreſses.

AND after debate upon the draught of the Proclamation The vote was ſtated Approve of the Proclamation or Not.

BUT before voteing It was agreed to mark the members votes and that the list of their names as they ſhall vote be printed and recorded.

AND George Lockhart of Carnwath gave in the following protestation viz. "I George Lockhart of Carnwath protest for my ſelf and all others who ſhall adhere to this my protestation That this proclamation now offered to be emitted Discharging Barrons Freeholders and Heretors within this Kingdome to come to Edinburgh in tyme of ſitting of Parliament ſhall noeways prejudge the rights and priviledges of the Barrons Freeholders & Heretors of this Kingdome competent to them by the Lawes of this Nation."

WHICH being read He took inſtruments thereupon And the adherers were allowed to be marked at calling the Rolls.

THEN the vote was put Approve the Proclamation or Not And it carried Approve. And the Liſt of the Members names as they voted Approve or Not ordered to be printed is as follows.

APPROVERS

Of the Nobility

M: Montroſe P. S. C
D: Argyle
M: Tweeddale
Lothian
E: Marr Sec:
Lowdon Sec:
Crauford
Sutherland
Rothes
Mortoun
Glencairn
Eglingtoun
Abercorn
Roxburgh
Haddingtoun
Galloway
Dalhouſie
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmoir
Marchmont
Cromarty
Stair
Rosebery
Glasgow Thes' Deput
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphingſtoun
Roſs
Torphichen
Fraſer
Banff
Duffus
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons

Ro' Dundaſs of Arniſtoun
Sir Ro' Dickson of Inveresk
Wm Nisbet of Dirletoun
John Cockburn younger of Ormistoun
Sir John Swintoun of that Ilk
Sir Alex^r Campbell of Ceſnock
Sir Wm Kerr of Greenhead
Sir Gilbert Elliot of Minto
Archibald Douglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
Sr John Johnston of Weſterhall
Wm Douglaſs of Dornock
Mr Wm Stewart of Caſtlestewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffen
Mr Wm Dalrymple of Glenmuir
Mr Ro^t Stewart of Tillicoutry
Sir Ro^t Pollock of that Ilk
Tho. Sharp of Houſton
Mr John Montgomery of Wrae
John Haddan of Gleneagles
Mungo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sir W^m Anſtruther of that Ilk
James Halliburton of Pitcurr
Alexander Abercromby of Glaſsoch
Wm Maxwell of Cardinneſs
Alex^r Douglaſs of Eglishaw
John Bruce of Kinroſs.

Of the Burrows

Sir Pat. Johnſtoun
John Scrimsour
Lieu^t Co^ll John Erſkin
John Mure
James Scott
Sir John Anſtruther
Sir John Erſkin
James Spittle
Mr Pat. Moncreif
Sir Andrew Home
Sir Peter Halket
Sir James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Daniel McLeod
Sir David Dalrymple
Sir Alex^r Ogilvy
Mr John Clerk
John Roſs
Sir Hugh Dalrymple
Mr Pat. Ogilvie
Geo. Allardice
William Alves
Mr James Bethun

Mr Roderick McKenzie
John Urquhart
Sir James Stewart
Daniel Campbell
Sir Rot Forbes
Mr Rot Douglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility

D: Hamiltoun
Athole
M: Annandale
E: Erroll
Marſhall
Wigtoun
Selkirk
V: Stormount
Kilsyth
Lo: Saltoun
Oliphant
Balmirenoch
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sir James Foulis of Collingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir Patrick Home of Rentoun
Wm Baily of Lamingtoun
John Sinclair younger of Stevenſon
Mr Alexr Ferguson of Isle
John Briſban younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sir John Houston of that Ilk
James Graham of Buchlyvie
Rot Rollo of Powhouse
Sir Patrick Murray of Auchtertyre
John Murray of Strowan
Alexr Gordon of Pitlurg
John Forbes of Colloden
David Bethun of Balfour
Major Henry Balfour of Dunboig
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouse
Mr James Carnegie of Phinhaven
David Graham younger of Fintrie
James Ogilvy younger of Boynd
Alexr McKye of Palgown
James Sinclair of Stempſter
Sr Henry Innes younger of that Ilk
Mr George Mackenzie of Inchcoulter

Of the Burrows

Alexr Robertſon
Walter Stewart
Alexr Watſon
James Oswald
Alexr Duff
Francis Molison
George Smith
Robert Scott
Robert Kellie
Archibald Sheills
Mr John Lyon
Sir Robert Anſtruther
Sir David Cunningham
Mr John Carruthers
George Home
John Baine

AND the Duke of Hamilton the Duke of Atholl the Earle of Erroll the E. Mariſchall the E. of Wigtoun the E. of Selkirk the Viscounts of Stormonth & Kilſyth the Lords Oliphant Balmerino Blantyre Bargany Beilhaven Colvill & Kinnaird Sr James Fowlis of Colingtoun Sr Jon Lawder of Fountanhall Androw Fletcher of Saltoun Sr Pat. Home of Rentoun John Brisbane younger of Biſhoptoun Mr Wm Cochran of Kilmaronock James Grahame of Buchlyvie Robert Rollo of Powhouſe Sr Patrick Murray of Auchtertyre John Murray of Strowan Alexr Gordon of Pitlurg John Forbes of Colloden David Bethun of Balfour Major Henry Balfour of Dunboog Mr Thomas Hope of Rankeillor Mr Pat. Lyon of Auchterhouſe Mr James Carnagie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boynd Alexr McKye of Palgown James Sinclair of Stempſter Mr George McKenzie of Inchcoulter Alexr Watſon Francis Moliſon Mr John Lyon Sr Rot Anstruther Mr John Carruthers George Home and Jon Bayne adhered to the protestation given in by George Lockhart of Carnwath.

A PROCLAMATION dischargeing Unwarrantable and Seditious Convocations and Meetings

ANNE by the Grace of God Queen of Great Britain France & Ireland defender of the faith To our Lyon King at arms and his bretheren Heraulds Pursevants Maſters and Meſsengers at arms our Sheriffs in that part conjunctly and severally specially conſtitute Greeting Whereas several Addreſses have been laid before our Parliament against an incorporating Union with England in the terms of the Articles of Treaty, and that our Eſtates of Parliament have had them under con-

sideration, And all the good ſubjects of our ancient Kingdom ought to reſt aſsured and contented That we and our Eſtates of Parliament have and will proceed in that matter with all due regaird and tenderneſs to the honour and intereſt of this our ancient Kingdom, both as to their civil and religious concerns; Yet We are informed that nevertheleſs several heretors and others who subscribed Addreſses to our Parliament of this our ancient Kingdom against an incorporating Union with England in the terms of the said articles of Treaty are comeing to Edinburgh in conſiderable numbers and tumultuous manner from several corners of this Kingdom, upon pretence to see what effect their Addreſses have had and what return the Parliament will give them. And We are alſo informed that ſeverals take upon them by letters and verbal meſsages to invite and convocat heretors and others to come to Edinburgh upon the foreſaid pretence, And We being ſenſible that ſuch practices are unwarrantable & seditious and may be of dangerous conſequence if tollerated at this juncture Therefore We with advice of the Eſtates of Parliament Do strictly Prohibite and Diſcharge all ſuch unwarrantable and ſeditious convocating of our Leidges or inviteing and the requireing them to meet and conveen at any particular place upon any certain day or dayes in the ſeditious and disorderly manner above mentioned And prohibites all ſuch meetings and gathering of our ſubjects as unwarrantable and contrary to Law As also We Prohibite and Diſcharge all our ſubjects to take upon them to invite or conveen our Leidges to meet together in any Aſsemblies not eſtabliſhed by law under the pains of illegal convocations and ſedition conform to the Laws and Acts of Parliament made thereanent And We with advice foresaid Recommend it to the Lords of our Privy Council to inquire after and cauſe proſecute ſuch as ſhall be guilty of the unwarrantable and ſeditious practiſes aforesaid and to take what other effectual courses they shall judge proper for preventing and ſuppreſsing thereof Our Will is Herefore That incontinent thir our letters seen ye paſs to the mercat croſs of Edinburgh and other mercat croſses of the head burghs within this our ancient Kingdom And there make publick intimation of this our pleaſure that ſo none may pretend ignorance And ordain theſe preſents to be printed.

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

DECEMBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THERAFTER the first part of the ſevinth and last clauſe of the fifteenth article of Union beginning thus "And as for the uſes to which the ſaid ſum of three hundred ninety eight thouſand eighty five lib." &c. was again read And after reaſoning the repreſentation of the Councill Generall of the Company of Scotland trading to Affrica and the Indies was alſo again read And after further reaſoning therupon and upon the application of the equivalent, A propoſall was given in for altering and amending the ſaid first part of the above ſeventh and laſt clauſe of the ſaid fifteenth article in theſe terms viz. [15th Article of Union;—Proceedings thereon]

"IT is agreed That in the first place, out of the forſaid ſum what conſideration ſhall be found neceſsary to be had for any loſses which private perſons may ſuſtain by reduceing the Coin of Scotland, to the ſtandard & value of the Coin of England, may be made good: In the next place That the Capitall Stock or Fund of the Affrican & Indian Company of Scotland advanced together with the interest for the ſaid Capital Stock after the Rate of 5 lib. per Cent. per annum from the respective tymes of the payment therof shall be paid. Upon payment of which Capitall Stock & Intereſt it is agreed the ſaid Company be diſsolved & ceaſe, And alſo that from the tyme of paſsing the Act of Parliament in England for raiſeing the ſaid ſum of 398085 lib: 10 ſh: the ſaid Company ſhall neither Trade nor grant Licence to trade Provideing that if the ſaid ſtock and interest ſhall not be paid in twelve moneths after the commencement of the Union that then the ſaid Company may from thence foreward Trade or give Licence to trade untill the ſaid haill Capital ſtock and Interest ſhall be paid. And as to the overplus of the ſaid ſum of 398085 lib: 10 ſh: after payment of what conſideration ſhall be had for loſses in repairing the coin and paying the ſaid Capitall Stock & Interest, And alſo the haill Increaſe of the ſaid Revenues of Customes dueties and exciſes above the preſent value which ſhall ariſe in Scotland during the ſaid term of Seven years, Together with the equivalent which ſhall become due upon the Improvement thereof in Scotland after the ſaid term And alſo as to all other Sums which according to the agreements aforeſaid may become payable to Scotland by way of equivalent for what that Kingdome ſhall hereafter become lyable towards payment of the debt of England, It is agreed That the samen be applyed in manner following viz. That all the publick debts of the Kingdome of Scotland as ſhall be

adjusted by this preſent Parliament ſhall be paid, And that 2000 lib: Sterling per annum for the ſpace of Seven years ſhall be applyed towards encourageing and promoteing the manufacture of coarſe wool within theſe ſhyres which produce the wool, And that the first 2000 lib: Sterling be paid at Martinmas next And ſo yearly at Martinmas during the ſpace foreſaid. And afterwards the ſame ſhall be wholly applyed towards the encourageing & promoting the fiſheries and ſuch other manufacturies in Scotland as may most conduce to the generall good of the United Kingdome."

WHICH being read and after reaſoning thereon It was moved That the Company of Scotland Trading to Affrica and the Indies be heard by their Lawyers upon the rights and priviledges of the said Company before any furder procedure And after debate

THE said haill ſeventh and last clauſe of the ſaid fifteenth article of Union from theſe Words "And as for the uſes to which the ſaid ſum of 398085 lib." &c. to the end with the above alteration and amendment was read over.

AND therupon there were tuo ſtates of a vote offered The first in theſe terms Approve of the fifteenth article of Union as altered and amended Yea or Not, And the ſecond in theſe terms, Whether this houſe will diſsolve the Indian & Affrican Company without the conſent of the proprietors and hearing the Company's Lawyers upon the rights and priviledges of the ſaid Company Yea or Not. And after ſome reaſoning which ſhall be the ſtate of the vote First or Second It was agreed before voteing that the members votes be marked and that the List of their Names as they vote be printed & recorded.

[List of Voters] THEN the vote was put First or Second, And it carried First. And the List of the Members as they voted First or Second is as followes.

FIRST.

Of the Nobility

M: Montroſe P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie
Findlater
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmount
Cromarty
Stair
Roſeberry
Glaſgow Thr dept
Hopetoun
Delorain
Ilay
Vis: Dupplin
Lo: Forbes
Elphingſtoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Lo: Register
Lo: Justice Clk.

Of the Barrons

Rot Dundaſs of Arneſtoun
Sr Rot Dickson of Inveraſk
Wm Nisbet of Dirletoun
Jon Cockburn younger of Ormeſtoun
Sr Jon Swintoun of that Ilk
Sr Alexr Campbell of Ceſnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Morison of Preſtongrange
Sr John Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Castleſtewart
Mr Francis Montgomery of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicoultrie
Sr John Houſtoun of that Ilk
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Sr Kenneth MrKenzie
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk

Major Henry Balfour of Dunboog
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Wm Maxwell of Cardineſs
Mr James Dunbarr younger of Hemprigs
Sr Henry Innes younger of that Ilk
Alexr Dowglaſs of Eglishaw
John Bruce of Kinroſs

Of the Burrows

Sr Pat. Johnſtoun
John Scrimſour
Lieut Colt Jon Areſkine
John Mure
James Scott
Rot Johnſtoun
Sr Jos Areſkine
Mr Pat. Moncreiff
George Monro
Sr Androw Home
Wm Cultrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Capt. Daniel M'Leod
Sr David Dalrymple
Sr Alexr Ogilvie
Mr John Clerk
John Roſse
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
John Urquhart
Daniell Campbell
Sr Robert Forbes
Mr Rot Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND.

Of the Nobility

D: Hamilton
Atholl
M: Annandale
E: Erroll
Buchan
Eglingtoun
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormont
Kilſyth
Lo: Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill

Of the Barrons

George Lockhart of Carnwath
Sr James Fowlis of Colingtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Patrick Home of Rentoun
Wm Bayllie of Lamingtoun
Jon Sinclair younger of Stivenson
Mr Alexr Ferguſson of Isle
Sr Hugh Cathcart of Carletoun
John Brisbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
John Graham of Killairn
James Graham of Buchlyvie
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Alexr Gordon of Pitlurg
John Forbes of Colloden
David Bethun of Balfour
Mr Thomas Hope of Rankeillor
Mr James Carnagie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boynd
James Sinclair of Stempster
Mr Alexr Abercrombie of Tillibody

Of the Burrows

Robert Inglis
Alexr Robertſon
John Allardyce
Walter Stewart
Hugh Montgomery
Alexr Edgar
James Oswald
Sr John Anſtruther
Alexr Duff
Francis Moliſone
Walter Scott
George Smith
Robert Scott
Robert Kellie
Archibald Scheills
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spens
Sr Rot Anſtruther
Sr David Cuningham
Mr Wm Johnſtoun
Mr John Carruthers
George Home
John Bayne
Mr Robert Fraser

[15th Article approved] THERAFTER it was put to the vote Approve of the ſaid fifteenth article as altered & amended, or Not, And it carried Approve. And the List of the Members names as they voted Approve or Not is as followes.

[Lists of Voters]

APPROVERS

Of the Nobility

M: Montroſe P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie
Findlater
Leven
Belcarras
Forfarr
Kilmarnock
Kintoir
Dunmore
Marchmount
Cromarty
Stair
Roſeberry
Glasgow Thr dept
Hopetoun
Delorain
Ilay
Vis: Dupline
Lo: Forbes
Elphinſtoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Lo: Register
Lo: Justice Clerk

Of the Barrons

Robert Dundaſs of Arneſtoun
Sr Robert Dickſon of Inveraſk
Wm Nisbet of Dirletoun
Jon Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Douglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Morison of Prestongrange
Sr John Johnſtoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtlestewart
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Ro: Stewart of Tilliecoultrie
Sr John Houstoun of that Ilk
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Sr Kenneth McKenzie
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
Ja. Campbell younger of Ardkinglaſs
Sr Wm Anstruther of that Ilk
Major Henry Balfour of Dunboog
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Wm Maxwell of Cardineſs
Mr James Dunbarr younger of Hemprigs
Sr Henry Innes younger of that Ilk
Alexander Dowglaſs of Egilshaw
John Bruce of Kinroſs

Of the Burrows

Sr Pat. Johnstoun
John Scrimsour
Lieut Colt Jon Areſkine
Hugh Montgomerie
John Mure
James Scott
Robert Johnstoun
Sr John Areskine
Mr Pat. Moncreiff
George Monro
Sr Androw Home
Wm Coltrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt Daniel McLeod
Sr David Dalrymple
Sr Alex: Ogilvie
Mr John Clerk
John Roſse
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Jon Urquhart
Daniel Campbell

Sr Robert Forbes
Mr Robert Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility

D: Hamilton
Atholl
M: Annandale
E: Erroll
Buchan
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormont
Kilſyth
Lo: Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill

Of the Barrons

George Lockhart of Carnwath
Sr James Foulis of Collingtoun
Sr Jon Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Patrick Home of Rentoun
Wm Bayllie of Lamingtoun
Jon Sinclair younger of Steviniſone
Mr Alexr Fergusſon of Isle
Sr Hugh Cathcart of Carletoun
Jon Brisbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
John Graham of Killairn
James Grahame of Buchlyvie
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
John Murray of Strowan
Mr Thomas Hope of Rankeillor
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
James Sinclair of Stempſter
Mr Alexr Abercrombie of Tillibody

Of the Burrows

Walter Stewart
Alexr Edgar
Francis Molison
George Smith
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spens
Sr David Cunningham
Mr John Carruthers
George Home
John Bayne
Mr Rot Fraſer

THEN the overture given in, in theſe terms "That it be remitted to the Committee to conſider what conſideration ſhall be had of the loſses of the Coin, As alſo what the Capitall Stock and Intereſt of the Affrican Company may amount to, and how & to whom the ſame ſhall be paid, and likewayes to adjust the List of the publick debts and to prepare Overtures on theſe severall heads and to report to the Parliament with power to them to call for papers and perſones" And accordingly it was remitted to the Committee to whom the ſixth and eighth articles were remitted.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXXI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

SATURDAY next appointed for private buſsines.

THERAFTER the ſixteenth article of Union was read tuice over, And the following words were added thereto "And that the preſent offices of the Mint be continowed subject to ſuch alterations" &c. And the article as amended being again read over, after reaſoning thereon a Memoriall was given in in relation to the loſses by the Coyn, and remitted to the Committee to whom the ſixth and eight articles were remitted. [16th Article approved]

THEN the vote was put Approve of the ſixteenth Article or Not and it carried Approve.

MOVED That a Proclamation be issued furth lowering the value of the current Coin of this Kingdome to the true ſtandart And remitted to the above Committee to be proceeded on by them prior to all other buſsines.

THE ſeventeenth Article of Union was then read, And after ſome reaſoning thereon It was put to the vote Approve of the ſeventeenth Article or Not and it carried Approve. [17th Article approved]

[18th Article of Union;—Proceedings thereon]

THEREAFTER the eighteenth Article of Union was read And after reaſoning theron An overture was given in for adding a clauſe in theſe terms, "That all Scotsmen be exeemed from the English Sacramentall Test not only in Scotland but in all places of the united Kingdome and dominions thereunto belonging And that they be declared capable of offices throughout the whole, without being obliged to take the ſaid test."

AND after debate It being moved that it was not now intire to add the ſaid clauſe in relation to the Sacramentall Test, in respect of the vote of Parliament of the 12th of Novr last against adding the lyke clauſe After ſome further discourſe thereon

IT was agreed that the ſame ſhould be put to the vote, And that the Members votes be marked and the list of their names as they ſhall vote be printed & recorded.

[List of Voters]

THEN the vote was put Whither it was intire to add the clauſe or Not, And it carried Not. And the List of the Members names as they voted Intire or Not is as follows.

NOES

Of the Nobility

M: Montroſe P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Dalhouſie
Findlater
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmont
Stair
Roseberry
Glasgow Thr Dpt
Hopetoun
Delorain
Ilay
V: Dupline
Lo: Forbes
Elphinstoun
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons

Robert Dundaſs of Arniestoun
Sr Rot Dickson of Inuerask
Wm Nisbet of Dirletoun
John Cockburn younger of Ormestoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſone of Prestongrange
Sr John Johnstoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Castleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicoultrie
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Grahame of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Sr Kenneth M'Kenzie
Mr Æneas M'Leod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Alexr Dowglaſs of Eagliſhaw
John Bruce of Kinroſs

Of the Burrows

John Scrimſour
Lieut Colt Jon Areſkine
Sr John Anstruther
Sr John Areſkine
James Spittle
Sr Andrew Home.
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt Dan: M'Leod

Sr Alex^r Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Daniell Campbell
Sr Ro^t Forbes
Mr Ro^t Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

INTIRE

Of the Nobility

D : Hamilton
Atholl
M : Annandale
E : Crawfurd
Erroll
Buchan
Eglingtoun
Caithnes
Wigtoun
Galloway
Selkirk
V : Stormont
Kilſyth
Lo : Saltoun
Sempill
Blantyre
Bargany
Beilhaven
Kinnaird

Of the Barrons

George Lockhart of Carnwath
Sr James Fowlis of Collingtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Pat. Home of Rentoun
Wm Bayllie of Lamingtoun
John Sinclair younger of Stevinſone
John Sharp of Hoddam
Mr Alex^r Ferguſson of Isle
Sr Hugh Cathcart of Carletoun
John Brisbane younger of Biſhoptoun
Mr Wm Cochrane of Kilmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
Robert Rollo of Powhouſe
Thomas Sharp of Houstoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
John Forbes of Coloden
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Wm Maxwell of Cardineſs
James Sinclair of Stempſter
Mr Alex^r Abercrombie of Tillibody

Of the Burrows.

Sr Pat. Johnstoun
Alex^r Robertson
John Allardyce
Walter Stewart
Alex^r Edgar
James Oswald
Alex^r Duff
Francis Moliſon
Walter Scott
William Coltran
George Smith
Robert Scott
Robert Kellie
Archibald Scheilds
Mr John Lyon
Mr Dowgall Stewart
George Brodie
George Spens
S^r Ro^t Anſtruther
Sr Dav. Cunningham
Mr Wm Johnſtoun
Mr John Carruthers
George Home
John Bayne
Sr James Stewart
Mr Ro^t Frafer

THEREAFTER the vote was put Approve the eighteenth Article or Not And it carried Approve. And the List of the Members as they voted Approve or Not is as follows. [18th Article approved] [List of Voters]

APPROVERS

Of the Nobility.

M : Montroſe P. S. C.
D : Argyle
M : Tueeddale
Lothian
E : Marr Sec :
Loudoun Sec :
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun

Lauderdale
Dalhouſie
Findlator
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmont
Stair
Roſeberry
Glaſgow The^{r} Dep^{t}.
Hopetoun
Delorain
Ilay
V : Duplin
L : Forbes
Elphingston
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Lo : Register
Lo : Justice Clerk

Of the Barrons.

Ro : Dundaſs of Arniſtoun
Sr Ro^{t} Dickſon of Inueraſk
Wm Nisbet of Dirletoun
Jo^{n} Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alex^{r} Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Arch. Douglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Hainning
Wm Moriſon of Preſtoungrange
Sir John Johnſtoun of Westerhall
Wm Douglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffen
Mr Wm Dalrymple of Glenmuir
Mr Ro^{t} Stewart of Tillicoutrie
Sir Ro^{t} Pollock of that Ilk
Mr John Montgomery of Wrae
John Halden of Gleneagles
Mungo Graham of Gorthie
Sir Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Hugh Roſs of Kilravock
Sir Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr Jo^{n} Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sir W^{m} Anſtruther of that Ilk
James Haliburton of Piteur
Alex^{r} Abercromby of Glaſsoch
Mr James Dumbar younger of Hemprigs
Alex^{r} Dowglaſs of Eglishaw
John Bruce of Kinroſs

Of the Burrows

John Scrimſeour
Lieu^{t} Co^{ll} John Erſkin
Sir John Anſtruther
Sir John Erſkine
James Spittle
Sr Andrew Home
Sir Peter Halket
Robert Scott
Sir James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt Daniell McLeod
Sir Alex^{r} Ogilvy
Mr John Clerk
John Roſs
Sir Hugh Dalrymple
Mr Pat. Ogilvy
Geo. Allardyce
Wm Alves
Mr Rorie McKenzie
John Urquhart
Daniel Campbell
Sir Ro^{t} Forbes
Mr Ro^{t} Douglaſs
Mr Alex^{r} Maitland
Mr George Dalrymple
Mr Cha. Campbell

NOES

Of the Nobility.

D : Hamilton
Athole
M : Annandale
E : Erroll
Buchan
Caithneſs
Wigtoun
Galloway
Selkirk
V : Stormont
Kilsyth
Lo : Saltoun
Sempill
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Kinnaird

Of the Barrons.

Geo. Lockhart of Carnwath
Sir James Fowlis of Colingtown

Sir John Lauder of Fountainhall
And. Fletcher of Saltoun
Sir Ro. Sinclar of Longformacus
Sir Pat. Home of Rentoun
Sir Gilbert Elliot of Minto
Wm Baily of Lamingtoun
John Sinclair younger of Stevenſone
Mr Alex^r^ Fergusſon of Isle
John Briſbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sir Humphrey Colquhoun of Luſs
Robert Rollo of Powhouſe
Tho. Sharp of Houſton
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvy younger of Boyne
James Sinclair of Stempſter

Of the Burrows.

Wa. Stewart
Alex^r^ Edgar
Alex^r^ Duff
Fran. Moliſon
Wa. Scott
Ro. Kellie
Arch. Sheills
Mr John Lyon
Geo. Spence
Sir David Cuningham
Mr John Carruthers
Geo. Home
John Baine
M^r^ Ro. Fraſer

[Act Adjourning the Seſsion read]

ACT for adjourning the Seſsion to the first day of February next to come given in and read And a first reading ordered to be marked thereon.

[19th Article of Union read]

THEN the nineteenth Article of Union was read & delayed till next Sederunt of Parliament and to be then taken under conſideration.

THE Committee appointed to meet to morrow at nyne of the clock.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Thursday next at ten of the clock.

JANUARY 11, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Adjourning the Seſsion]

ACT adjourning the Seſsion to the firſt day of February next to come read a second tyme And after reasoning It was proposed that the Adjournment ſhould be to the fourth of February And likeways proposed that the Adjournment ſhould only be to the twenty first of January inſtant And after further reasoning the vote was put Approve of the Act Adjourning the Seſsion to the twenty first of January or fourth of February And it carried Approve of the Act adjourning the Seſsion to the fourth of February next to come.

THEREAFTER the Act was touched with the royall ſcepter by her Majesties High Commiſsioner in the uſuall manner.

ACT Adjourning the Seſsion to the fourth day of February next to come

OUR SOVERAIGNE LADY with advyſe & consent of the Eſtates of Parliament Adjourns the Seſsione to the fourt day of February nixt and Declares all actiones depending before the Lords of Seſsion to be continued to the ſaid day And Her Majestie with conſent foreſaid Diſpenses in the mean tyme with the ſitteing of the Court of Juſticiarie & all Inferior Courts as if the Parliament were not ſitteing And farder Declaires that the tyme & ſpace betuixt the dait heirof & the ſaid fourt day of February nixt ſhall not be reckoned in any Annuall Preſcriptions And Ordains theſe preſents to be publiſhed at the mercat croſs of Edinburgh and to be forthwith printed that the Leidges may be certified thereof.

[19th Article of Union; Proceedings thereon]

THEN the nyneteenth Article of Union was again read and after ſome reasoning on the firſt clause of the ſaid article in relation to the Court of Seſsion or Colledge of Juſtice a motion was made for adding a clause in these termes "And that hereafter none ſhall be named by the Queen or her Succeſsors to be Ordinary Lords of Seſsion but ſuch who have ſerved in the Colledge of Juſtice as Advocats or Principall Clerks of Seſsion for the ſpace of fyve years."

AND after ſome reasoning It was also moved that "Writers to the Signet ſhould be added to the Advocats and Clerks."

AND after further reasoning The vote was ſtated Approve of the first clause or paragraph of the nyneteenth article with the above additionall clause or without it.

BUT before voteing it was agreed That in caſe the vote ſhould carry Approve of the ſaid first paragraph of the nyneteenth article with the additionall clause It ſhall be intire to debate whether Writers to the Signet are to be added or not.

AND thereupon the ſaid first paragraph and additionall clause being read over The vote was put Approve of the ſaid first paragraph with or without the addition And it carried With the addition.

AND after debate Whether Writers to the Signet ſhall be added or Not It was put to the vote Add Writers to the Signet or Not And it carried Add.

WHEREUPON it was moved that ſuch of the Writers to the Signet as have ſerved fyve years in that ſtation ſhall be underſtood qualified as well as Advocats & Clerks And after debate thereon It was moved that the further debate be adjourned till the next Sederunt of Parliament And alſo moved to proceed now to the determination of the tyme for their qualification.

AND after reasoning The vote was put Proceed or Delay And it carried Delay.

THEN the Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read

[19th Article of Union;—Proceedings thereon]

THEN the Parliament resumed the conſideration of the debate anent the qualification of Writers to the Signet before they can be named Ordinary Lords of Seſsion. And after ſome furder debate as to the tyme they are to ſerve as Writers before they can be capable to be named Lords there were tuo ſtates of a vote offered The first in theſe terms Whither they ſhall ſerve Tuenty years or None, And the ſecond in theſe terms Whither they are to ſerve Eight or Ten years And after ſome reaſoning which of the tuo ſhould be the state of the vote First or Second

THE Earle of Abercorn gave in a Protest against the first ſtate of the vote in theſe terms "I protest against the ſtateing the first vote becauſe which way ſoever it may be carried, it in my humble opinion eleids one of the tuo votes past yesterday relateing to the additional clauſe For if it ſhould be carried That a Writer to the Signet may be admitted to be an ordinary Lord of the Seſsion without limiting a reaſonable tyme for qualifieing himſelf by experience as to the practicall part of the Law then that seems to be inconſistent with the vote requiring Advocats undergoing a five years probation at the bar, On the other hand if the vote ſhould be carried for a Writers being tuenty years in that ſtation before being capable to be named by the Sovereign to be an ordinary Lord of the Seſsion that ſeems to be tantamount to an abſolute excluſion of Writers from the ſaid office" And thereupon he took inſtruments

THEN the vote was put First or Second And it carried Second.

THEREAFTER the vote was put Eight or Ten years And it carried Ten years.

THEN a motion was made for an additionall clauſe in relation to the qualification of Writers in theſe terms "With this proviſion That no Writer to the Signet be capable to be admitted a Lord of the Seſsion unleſs he undergoe a private and publick tryall on the Civill Law before the Faculty of Advocats and be found by them qualified for the above ſaid office tuo years before they ſhall be named to be a Lord of the Seſsion" And after reaſoning thereon the vote was ſtated Add the clauſe or Not.

BUT before voteing It was moved that the qualifications made or to be made for capacitating perſons to be named Ordinary Lords of Seſsion ſhall be alterable by the Parliament of Great Britain And after debate It was put to the vote Alterable or Not And it carried Alterable.

THEN the vote was put Add the clauſe in relation to the qualification of Writers or Not, And it carried Add.

THEREAFTER the ſecond clauſe of the nineteenth article of Union in relation to the Courts of Juſticiary was read and agreed to.

AND the third clauſe in relation to the Admirality was alſo read and agreed to.

THEREAFTER the other clauſes of the ſaid nineteenth article in relation to the Court of Exchequer & other Courts and alſo the remainder of the article was read and agreed to.

THEN the vote was put Approve of the nineteenth article as amended or Not And it carried Approve. [19th Article approved]

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY IV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

ACT in favours of the burgh of Dundee for an Impoſition of tuo pennies upon the pynt of ale [Burgh of Dundee]

and beer to be browen and vended within the bounds & for the uſes thereinmentioned read a ſecond tyme And after reaſoning thereon a clauſe was offered to be added thereto Impowering overſeers & managers of the ſaid Impoſition and with power to determine how it ſhall be uplifted Whither out of the Malt or out of the Liquor, And a Petition given in for the Brewars of Dundee againſt the ſaid Act was read, And another clauſe was offered to be added to the ſaid Act in favours of Mr James Anderſon in theſe terms "With this proviſion as it is hereby expreſsly provided and declared that the ſaid Impoſition is & ſhall be burdened with the ſum of Tuelve hundered pounds yearly for the ſpace of ſix years to be paid to Mr James Anderſon Writer to the Signet or his aſsigneyes as a part of the expenſes of the work recommended to him by the Parliament And that at tuo terms in the year Martinmas and Whitſunday beginning the first terms payment at Martinmas Ico vijc & seven years And ordains the Magistrats of the ſaid Burgh to make payment of the ſame accordingly" Which being read it was agreed to add the ſaid clauſe, And after further reaſoning on the ſaid Act ſeverall other amendments were made thereupon. And after debate on the above Petition for the Brewars and clauſe in relation to the management It was put to the vote Approve of the Act as amended or Add the clauſe and it carried Approve.

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner acquainted the Parliament That in this Seſsion of Parliament other tuo dayes ſhall be appointed for private buſsines.

[Diſsolution of Orknay & Zetland from the Crown]

DRAUGHT of an Act for diſsolution of the Lands of Orknay and Zetland from the Crown in favours of the Earle of Mortoun read, And agreed that the few duety payable therefor ſhall be ſix thouſand pounds and that the Queens hauks be reſerved, and a first reading ordered to be marked thereon, and agreed that the ſaid Act ſhall be first proceeded upon the first Sederunt for private buſsines preferable to all others.

[John Henry Huguetan & others]

PETITION John Henry Huguetan craving to be naturalized and alſo craving a Protection again read And therafter an Act for his naturalization was alſo read And ſicklike an Act for the naturalization of Collonell Scipio Hill Lieut Coll Henrie Verriere of Her Majesties Regiment of foot guards Lieut Coll John Cadour Capt. in Major Generall Maitlands Regiment Capt. Theodore Dury Her Majesties Chieff Engineer Capt. Daniell Charlott Brigadeer in Her Majesties Troop of guards Capt. John Burjond in Collonell Grants Regiment Capt. James Cavalier Lieut in Her Majesties Troop of Horſe Grenadeers Enſign Peter Charantoun in My Lord Strathnavers Regiment Peter Cregutt formerly Lieut in Sr Wm Dowglaſs Regiment Jeremiah Boſsugne Adjutant to Major Generall Maitlands Regiment Mr James Le-blanc and Daniell Laſagette merchants Joſhua Legoux ſervitor to the Earle of Roxburgh Francis Gobron late ſervitor to the Earle of Crawfurd Peter Biſhop alias La-Marr ſervitor to the Earle of Strathmore Mr John Godfrey preacher of the Gospell & Major Belſhazer Guydett Capt. of Dragoons in the Marqueis of Lothians Regiment was read and a first reading ordered to be marked upon the ſaids Acts.

AND after debate upon the above petition as to the protection It was moved That a deliverance be granted thereon in the following terms viz. That for the better enableing the petitioner to reeſtabliſh his affairs and ſatisfie his juſt debts protection be granted for the ſpace of ſeven years to the petitioners perſon and alſo that protection for the ſpace forſaid be granted to the petitioners goods & eſtate heretable and moveable against dilligence at the inſtance of Creditors for ſuch debts as have been contracted before Aprile Ico vijc & five years Excepting ſuch debts as have been contracted to any of the ſubjects of Her Majesties Dominions or ſuch debts as have been originally contracted to the ſubjects of Her Majesties Allies or which ſhall be made appear by the Creditors before the Judge Ordinary to have been transferred to them bona fide and for adequat onerous cauſes before the Tuelth of December last Providing always the petitioner reſide within this Kingdome during the tyme of the ſaid protections.

AND after further debate It was put to the vote Grant protection to the petitioner in the above terms or Delay till the Act for his Naturalization get a second reading And it carried Grant protection in the above terms.

[Protection in favours of John Henry Huguetan]

[Burgh of Aberdeen]

AGREED that the Act in favours of the Burgh of Aberdeen for an Impoſition in the terms therin mentioned be under conſideration the first Sederunt for privat buſineſs next to the Act in favours of the Earle of Mortoun.

[Sir Thomas Dalziell agt Lady Caldwell]

THEN it was Intimat that there being an action upon the protest for Remeid of Law Sr Thomas Dalziell of Binnis against the Lady Caldwell & her husband the procurators for the Lady Caldwell and her husband be ready to anſuer against the next Sederunt for private buſineſs and Sr David Dalrymple authorized to plead for the purſuer.

[Heritors of Canongate] PETITION for the Heretors and Tradesmen of the Canongate for a Remitt to the Commiſsioners of Supplie of the ſhyre to value their tenements & yeards and to establiſh a ſettled valuation thereof That conform to the valuation they may pay their proportion of Ceſs to the good Town for their releif thereof read and appointed to be ſeen and anſuered against the next Sederunt of Parliament for private buſsineſs.

[Order of procedure] AGREED that my Lo. Chancellor rank and bring in private buſsines to the Parliament the following dayes for private buſsines as he finds just.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY VI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addreſses against the Union] THEN the following Addreſses were given in and read viz. Addreſs of Barrons Freeholders Heretors Gentlemen and others in the ſhyre of Aberdeen ſubſcribers of the ſame Addreſs of Barrons Freeholders Heretors Gentlemen & others in the ſhyre of Kincardine and Town of Stonhaven ſubſcribing the ſame And Addreſs of Inhabitants of the Town of Peterhead ſubſcribers of the ſame all against an Union with England in the terms of the articles.

[Admirall Court] OVERTURE for an Act anent the Admirall Court read and ordered to be printed.

[Report anent the Coin] A REPORT brought in from the Committee to whom the conſideration of the Coyne was remitted, was read, [viz. "It is the opinion of the Committie that it is neceſsar that the Government Reduce the Current Coin of this Nation to the ſtandard of that of England whereby trade may be put on ane equall foot And that in caſe the Union take effect the loſse that may happen to the then proprietors of the Silver Coyne be made up out of the Equivalent and that there be preſently a Proclamation emitted to Certifie the Leidges that notwithſtanding of all the rumours that have lately been anent the Coyne that in the mean time the same is to paſs at the rates it now does within this Kingdome."] As also a draught of a Proclamation in relation thereto And after reaſoning thereon both were remitted back to the ſaid Committee to be furder conſidered.

THEN the tuentieth article of Union was read, And it was moved That a clauſe ſhould be added thereto for preſerving the whole Records and Registers both Generall and Particular and Warrands thereof and for detaining and keeping them within this Kingdome in all tyme coming, And after reaſoning thereon It was agreed That when the tuenty. fourth article falls under conſideration a clauſe to that effect ſhall be brought in to be added thereto. [20th Article of Union approved]

AGREED that after the words "Heretable Offices" and "Heretable Jurisdictions" The word "Superiorities" be added to the ſaid Article And the article being read over with the ſaid addition, The vote was put Approve the tuentieth article of Union or Not And it carried Approve.

THEN the twenty first article of Union was read And after reaſoning It was moved to Add a clauſe thereto in theſe terms, "ſubject nevertheleſs to ſuch alterations as the Parliament of Great Britain ſhall think fit" And after further reaſoning theron Two ſtates of a vote were offered The first in theſe terms Approve the article or Not The ſecond in theſe terms Add the clauſe or Not And after ſome reaſoning which ſhould be the ſtate of the vote First or Second [21st Article of Union read]

IT was agreed that the members votes ſhall be marked and that the list of their names as they vote ſhall be printed and recorded.

THEN the vote was put which ſhall be the ſtate of the vote First or Second and it carried First And the List of the members as they voted First or Second is as follows. [List of Voters]

FIRST

Of the Nobility

M: Montroſe P. S. C.
D: Argyle
M: Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Rothes
Mortoun
Glencairn
Roxburgh
Haddingtoun
Wemys
Dalhouſsie
Findlater
Leven
Belcarras
Forfar
Kintoir
Marchmount

Cromarty
Stair
Roſeberry
Glasgow The^{r} Dep^{t}
Hopetoun
Delorain
Ilay
Lo: Elphingstoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Beilhaven
Duffus
Rollo
Lo: Register
Lo: Justice Clk.

Of the Barrons

Ro^{t} Dundaſs of Arneſtoun
Sr Robert Dickſon of Inueraſk
Sr John Swintoun of that Ilk
Sr Alex^{r} Campbell of Ceſsnock
Sr Gilbert Elliot of Minto
William Bennet of Grubbet
Mr Jo^{n} Murray of Bowhill
Mr Jo^{n} Pringle of Haining
William Moriſon of Prestongrange
Sr John Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Ro^{t} Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Mr John Montgomery of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Alex^{r} Grant younger of that Ilk
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Alex^{r} Abercrombie of Glaſsoch
William Maxwell of Cardineſs
James Sinclair of Stempſter
Alex^{r} Dowglaſs of Eagleſhaw

Of the Burrows

Sr Pat. Johnstoun
Robert Inglis
Alex^{r} Robertſon
John Scrimſour
Lieu^{t} Co^{ll} John Areſkin
Alex^{r} Watſon
John Mure
John Black
James Scott
Alex^{r} Duff
Walter Scott
Sr Andrew Home
Wm Coltrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Southerland
Archibald Scheilds
Capt. Dan. McLeod
Sr David Dalrymple
Sr Alex^{r} Ogilvie
Mr Dowgall Stewart
John Roſs
George Brodie
George Spens
Sr Hugh Dalrymple
S^{r} Ro^{t} Anſtruther
Mr Patrick Ogilvie
George Allardyce
M^{r} Ja. Bethun
Jo^{n} Urquhart
Daniell Campbell
Sr Robert Forbes
Mr Robert Fraſer
Mr Ro^{t} Dowglaſs
Mr Alex^{r} Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND

Of the Nobility

D: Hamilton
M: Annandale
E: Erroll
Mariſhall
Wigtoun
Lo: Sempill
Oliphant
Balmerino
Blantyre
Colvill

Of the Barrons

George Lockhart of Carnwath
Sr Jo^{n} Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Pat. Home of Rentoun
Sr Hugh Cathcart of Carletoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
Alex^{r} Gordoun of Pitlurg
Mr James Carnagie of Phinhaven
Mr Alex^{r} Abercrombie of Tillibodie

Of the Burrows

Mr Patrick Moncreiff

[21st Article approved]

[List of Voters]

THEREAFTER the vote was put Approve the tuenty first article of Union or Not And it carried Approve And the List of the members as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility.

M: Montroſe P. S. C.
D: Argyll
M: Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Rothes
Mortoun
Buchan
Glencairn
Eglingtoun
Abercorn
Roxburgh
Haddingtoun
Galloway
Wemys
Dalhouſsie
Findlater
Leven
Belcarras
Forfar
Kintoir
Dunmore
Marchmont
Cromarty
Stair
Roſeberry
Glaſgow Thr Dep^{t}
Hopetoun
Delorain
Ilay
Lo: Forbes
Elphinstoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Beilhaven
Duffus
Lo: Register
Lo: Justice Clk.

Of the Barrons

Ro^{t} Dundaſs of Arneſtoun
Sr Ro^{t} Dickson of Inneraſk
Sr John Swintoun of that Ilk
Sr Pat. Home of Rentoun
Sr Alex^{r} Campbell of Ceſsnock
Sr Gilbert Elliot of Minto
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
Wm Dowglaſs of Dornock
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicoultrie
Sr Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Alex^{r} Grant younger of that Ilk
Mr Jo^{n} Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S^{r} W^{m} Anſtruther of that Ilk
Sr Henry Innes younger of that Ilk
Alex^{r} Abercrombie of Glaſsoch

Of the Burrows.

Sr Pat. Johnſtoun
Ro^{t} Inglis
John Scrimſour
Lieu^{t} Co^{ll} Jo^{n} Areſkine
John Mure
Patrick Bruce
Sr John Areſkine
James Spitle
Mr Pat. Moncrieff
Sr Andrew Home
Wm Coltrane
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt Daniel McLeod
Sr David Dalrymple
Sr Alex^{r} Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
S^{r} Ro^{t} Anſtruther
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
John Urquhart
Sr James Stewart
Daniell Campbell
Sr Ro^{t} Forbes
Mr Robert Dowglaſs
Mr Alex^{r} Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility.

E: Wigtoun
V: Kilſyth
Lo: Sempill
Oliphant
Balmerino

Of the Barrons.

George Lockhart of Carnwath
Andrew Fletcher of Saltoun
Mr Wm Cochran of Kilmaronock

[22d Article of Union] THEN the tuenty ſecond article of Union was read and the conſideration thereof delayed till next Sederunt of Parliament to be then proceeded upon previous to all other buſines.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY VII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[22d Article of Union, 1st paragraph. Proceedings thereon] THE tuenty ſecond Article of Union again read And thereafter the first paragraph thereof in relation to the number of the repreſentatives for Scotland in the Parliament of Great Britain was read over again And after long debate a vote was ſtated Approve of the first paragraph of the tuenty ſecond article or Not.

BUT before voteing There were four ſeverall protests given in viz. one by the Duke of Atholl, a ſecond by the Earle of Buchan, a third by George Lockhart of Carnwath, and a fourth by Walter Stewart Commiſsioner for the burgh of Linlithgow all against the ſaid vote And the ſeverall protesters took inſtruments thereupon [the which several protests are as follow]

Protestation by the Duke of Atholl "WHERAS by my Protest given in the fourth of November last befor voting the first article of the Union I did reserve liberty to renew Protestations against any other articles of the Treaty And as I protested for the reasons therin mentioned so I do now for myſelf and all others who shall adhere Protest against any vote for approving the twenty ſecond article of this Treaty of Union and against all the parts of it for these reasons.

Because the Peers of this realm who are hereditary Members of her Majesties Great Counsel and Parliament Do therby become Elective, and so her Majestie deprived of her born Councellors and the Peers of their Birthright, And wheras they are at present a Hundred and Sixty in number they are by this article reduced to Sixteen, which Sixteen are to be joined with the House of Lords in England whose number at present consists of above an Hundred and eighty, wherby it is plain that the Scots Peers share in the Legislative and Judicative powers in the British Parliament is very unequall with that of the English tho' the one be Representatives of as independent and free a Nation as the other, And is therfore a plain forfeiture of the Peerage of this Kingdome. And as it is the hight of Injustice and against all the Lawes and Practicks of this and all other well governed Nations to forfeit any person without a heinous crime, so it is against all Law to forfeit either the Peers that are now present or those that are Minors or absent without being so much as called or cited for that end. It is likewise contrair to the honor and true interest of her Majestie and the Monarchie to Suppreſs the Estate of Peers who have formerly been the great Supporters of the Monarchie. And it is dishonorable and disgracefull for this Kingdome that the Peers therof shall only have Rank and Precedencie next after the Peers of the like order and degree in England without regaird to their Antiquity or the Dates of their Patents as is Stipulat by the following Article of this Treaty. In the next place each Shire and Royal Burgh within this Kingdome have the number of their Representatives determined by Acts of Parliament, whose number at present being a hundred and fifty fyve are by this article of the Treaty reduced to fourty fyve and to be joined to fyve hundred and threttein Members in the House of Commons where they can have no Influence by reason of the vast disproportion of their numbers, Besides that the Barons and Burrows of this Nation by this way of uniting are deprived of their inherent right of being fully and individually represented in Parliament both with relation to their Legislative and Judicative Capacities. And they are not only highly prejudged in leſsening their Representation but also degraded from being members of the Parliaments of this Kingdome where they sit as Judges in all Causes civill and criminall to be joined to the Commoners of another Nation who are accustomed to supplicat for Justice at the Bar of the House of Lords. The Barons and Burrows are also further prejudged in this that wheras now every Shire and Royall Burgh have their own Representatives, one Commiſsioner will hereafter represent severall Shires or Burghs who it cannot be supposed will understand the severall interests and concerns of the saids severall Shires or Burghs whom he may represent.

And further for the present Representatives of the Barons & Burrows in Parliament to offer by any vote or deed of theirs to incapacitat their Constituents or deprive them of any part of their inherent right is that which their Constituents may and do justly disallow they only having their Commiſsions with the ordinary Powers of making or amending Lawes and giving Supplies but nowayes to alter fundamentall Constitutions or to take away or diminish their Representation which is also a plain forfeiture of their Constituents of their inherent rights and undoubted priviledges and is contrair to the fundamental Lawes of this Nation which are the Birthright of the people therof. From all which it is plain and evident that this from a Soveraign Independent Monarchie shall diſsolve it's Constitution and be at the disposall of England whose Constitution is not in the least to be altered by this Treaty And where it is not to be supposed the Scots shall have any weight in the making of Lawes even tho' relative to their own Kingdome by reason of the vast disproportion and disparitie of their Representation aforsaid. And therfor I do also protest That no vote may hinder nor prejudge the Noblemen Barons and Burrows as now represented in Parliament to retain brook enjoy and exerce all their rights liberties and priviledges as fully and freely as hitherto they have enjoyed them. And since it evidently appears not only from the many Protests of the honourable and worthie members of this House, but also from the multitudes of Addreſses and Petitions from the ſeverall parts of this Kingdome of the Barons Freeholders Heritors Burrows and Commons and from the Commiſsion of the Generall Aſsemblie that there is a generall dislike and aversion to the incorporating Union as contained in these articles And that there is not one Addreſs from any part of the Kingdome in favours of this Union. I do therfor further Protest against concluding this and the following articles of this Treaty untill her Majestie shall be fully informed of the Inclinations of her People That if her Majestie think fit she may call a new Parliament to have the immediat Sentiments of the Nation since these articles have been made publick where it is hoped they may fall on such methods as may allay the ferment of the Nation, satisfie the minds of the people, and creat a good understanding betwixt the two Kingdoms by an Union upon honourable just and equall terms which may Unite them in affection and interest the surest foundation of peace and tranquillity for both Kingdoms And this my Protestation I desire may be received and insert in the Minuts and recorded in the books of Parliament as an testimony of my diſsent and the diſsent of ſuch as adhere to me."

Protestation Earl of Buchan

"FORASMUCH as the changing of the Right of the Peers of this Realm, from a Conſtant & Hereditary Right, to one that is Elective, & the debarring all or any of them from taking place & voting in Parliaments, Conventions or Publick Councills, is subverſive of the birth right & undoubted priviledge of the Peers, diſhonourable to the whole Kingdom, & contrary to the fundamental Laws & Conſtitution thereof, as well as to all juſtice & equity, I doe therfor Proteſt, for my self, & in name of all who shall adhere to this my Protestation, that the forsaid right of the Peers of this realm, to sit & vote in all Parliaments, publick Councills & Conventions, doe, after the intended Union with England, and notwithstanding thereof, continue in full force, & remain to them as their undoubted right & property, & that no vote paſs in this Houſe, to prejudge all or any of them from claiming the same in all time coming."

Protest for the priviledges of the Barrons by George Lockhart

"I GEORGE Lockhart of Carnwath do Protest for my ſelf & in name of such other Barrons as ſhall adhere to this my Protestation, that neither this vote nor any other vote conclusion or article in this Treaty of Union ſhall prejudge the Barrons of this Kingdom from their full repreſentation in Parliament as now by law established, nor in any of their priviledges & particularly their Judicative & Legislative Capacity, of q^ch they are Deprived by the terms of this Treaty of Union, & I crave this my Protestation to be admitted & recorded."

Protestation by Walter Stewart

"I WALTER Stewart Protest for my self and in name and behalf of all others, who shall adhear to this my Protestation, That the restriction of the Representatives in Parliament for this Kingdome, as contained in the Tuenty two article of the Treaty of Union, is contrair to the birthright of the Peers, and rights and priviledges of the Barrons and Freeholders and Royall Burrows, and the fundamental Laws and Conſtitution of this Nation, And if any vote shall paſs approveing of the said Article in the terms that it stands That any such vote shall not prejudge the birthright of the Peers, rights and priviledges of the Barrons and Freeholders and Royall Burrows competent to them by the Lawes and Conſtitution of this Kingdome, And takes Instruments upon this Protestation, and deſires that it may be inſert in the Records of Parliament."

[Protest, Earl of Erroll]

LIKEAS a fifth Protest was given in by the Earle of Erroll in theſe terms "I Charles Earle of Erroll Lord High Conſtable of Scotland Doe hereby protest That the office of High Conſtable of Scotland with all the rights and priviledges of the ſame belonging to me heretablie and depending upon the Monarchie Sovereignity and antient Conſtitution of this Kingdome may not be weakened nor prejudged by the concluſion of the Treaty of Union betuixt Scotland and England nor any article clauſe or condition thereof But that the ſaid heretable

office with all the rights and priviledges thereof may continue and remain to me and my ſucceſsours intire and unhurt by any votes or Acts of Parliament or other proceedings whatſomever relative to the ſaid Union And I Crave this my Protestation may be admitted and recorded in the Registers and Rolls of Parliament."

[Protest, Earl Marischall]

AND a ſixth protest was given in by the Earle Mariſchall in theſe terms " I William Earle Mariſchall Doe hereby protest that whatever is contained in any article of the Treaty of Union betwixt Scotland and England ſhall no manner of way derogate from or be prejudiciall to me or my Succeſsours in our heretable office of Great Mariſchall of Scotland in all tyme coming or in the full and free enjoyments and exerciſe of the haill rights dignities titles honours powers and priviledges thereto belonging which my anceſtors and I have poſseſsed and exerciſed as rights of property theſe seven hundred years And I doe furder protest That the Parliament of Scotland and Conſtitution thereof may remain and continue as formerly And I Deſire this my Protestation to be inſert in the Minuts and recorded in the books of Parliament and thereupon takes inſtruments."

WHICH protestations being read the ſeverall protesters took inſtruments upon their respective protests.

AND it was agreed that the members votes be marked and that a liſt of their names as they ſhall vote be printed & recorded and that at calling the rolls the adherers to the above respective protests be marked, As also the Lord Chancellor was allowed to have his name marked printed & recorded as an approver.

[22d Article 1st paragraph approved]

THEN the vote was put Approve the first paragraph of the tuenty ſecond article of Union or Not And it carried Approve And the liſt of the Members names as they voted Approve or Not is as follows

[List of Voters]

APPROVERS

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst the approvers by ſpeciall order of Parliament
M: Montroſe P. S. C
D: Argyll
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Wemys
Dalhouſsie
Findlater
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndford
Cromarty
Stair
Roſeberry
Glaſgow The^r Dep^r
Delorain
Ilay
V: Duppline
Lo: Forbes
Elphinstoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Juſtice Clk.

Of the Barrons.

Robert Dundaſs of Arniſtoun
Sr Ro^t Dickson of Inverask
Wm Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alex^r Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
George Baillie of Jerviſwood
Sr John Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillieultrie
Sr Ro^t Pollock of that Ilk
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden

Alex^r Grant younger of that Ilk
Hugh Roſs of Kilravock
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr William Anſtruther of that Ilk
James Halyburton of Pitcurr
Alex^r Abercrombie of Glaſsoch
Mr James Dunbar younger of Hemprigs
Sr Henry Innes younger of that Ilk.
Alex^r Dowglaſs of Eagleſhaw
John Bruce of Kinroſs

Of the Burrows.

Sr Pat. Johnſtoun
John Scrimſour
Lieu^t Co^ll Jo^n Areſkine
John Mure
James Scott
Sr John Anſtruther
Sr John Areſkine
James Spitle
Mr Pat. Moncreiff
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Dan. McLeod
Sr David Dalrymple
Sr Alex^r Ogilvie
Mr John Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alves
Mr James Bethun
John Urquhart
Sr James Stewart
Daniel Campbell
Sr Ro^t Forbes
Mr Robt Dowglaſs
Mr Alex^r Maitland
Mr George Dalrymple
Mr Charles Campbell

NOES.

Of the Nobility.

D: Hamilton
Atholl
M: Annandale
E: Crawfurd
Erroll
Mariſchall
Buchan
Eglingtoun
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormount
Kilſyth
Lo: Saltoun
Sempill
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons.

George Lockhart of Carnwath
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Baillie of Lammingtoun
John Sinclair younger of Stevinſone
James Hamilton of Aikenhead
Mr Alex^r Ferguson of Isle
Sr Hugh Cathcart of Carletoun
John Briſbane younger of Biſhoptoun
Mr Wm Cochrane of Kilmaronock
Sr Humphray Colquhoun of Luſs
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Alex^r Gordon of Pitlurg
John Forbes of Colloden
David Bethun of Balfour
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Wm Maxwell of Cardineſs
Alex^r McKye of Palgown
James Sinclair of Stempſter
Mr Alex^r Abercrombie of Tillibody

Of the Burrows.

Robert Inglis
Alex^r Robertson
Walter Stewart
Alex^r Watson
Hugh Montgomerie
Alex^r Edgar
John Black
Alex^r Duff
Francis Moliſon
George Smith
Robert Scott
Robert Kellie

Archibald Scheills
Mr John Lyon
Mr Dowgall Stewart
George Brodie
Sr Ro[t] Anſtruther
Sr David Cuningham
Mr John Carruthers
George Home
John Bayne
Mr Rob[t] Frazer

[List of adherers to the Protests]

AND the Earle of Caithnes the Viscount of Stormont the Lord Oliphant the Lord Balmerino the Lord Bargany the Lord Kinnaird John Briſbane younger of Biſhoptoun Sr Humphray Colquhoun of Luſs Sr Patrick Murray of Auchtertyre John Murray of Strowan James Ogilvie younger of Boyn Alexr M[c]Kye of Palgown James Sinclair of Stempſter Alexr Robertſone Alexr Duff Francis Moliſon Robert Scott Archibald Scheills Mr John Lyon Mr John Carruthers George Home John Bayne and Mr Robert Frafer adhered to the Duke of Atholls protest, Andrew Fletcher of Saltoun Sr Robert Sinclair of Longformacus Sr Hugh Cathcart of Carletoun the ſaid John Briſbane younger of Biſchoptoun Mr Wm Cochran of Kilmaronock the ſaid Sr Humphray Colquhoun of Luſs Robert Rollo of Powhouſe Mr James Carnagie of Phinhaven David Graham younger of Fintrie & the ſaid James Sinclair of Stempſter adhered to George Lockhart of Carnwaths protest And the Earle of Crawfurd and the Earle of Galloway adhered to the Earle of Buchans protest.

[22d Article of Union, 2d paragraph. Proceedings thereon]

THEN the ſecond paragraph of the ſaid tuenty ſecond article anent the calling of the repreſentatives from Scotland to the Parliament of Great Britain, beginning thus " And that when her Majeſtie" &c. and ending " That the Names of the perſons ſo ſummoned & elected ſhall be returned by the Privy Councill of Scotland into the Court from whence the ſaid writ did iſsue" was again read.

AND after ſome reaſoning an explanation was offered to be added after theſe words " According to the agreement in this Treaty viz. in ſuch manner as by a ſubſequent Act of this preſent Seſsion of the Parliament of Scotland ſhall be ſettled which Act is hereby Declared to be as valid as if it were a part of and engroſsed in this Treaty." And after further reaſoning It was moved that the way and manner of choiſeing the repreſentatives for Scotland to the Parliament of Great Britain be determined and that a clauſe to that purpoſe be engroſsed in this article And after debate The vote was ſtated Approve of the ſecond paragraph of the ſaid tuenty ſecond article as above explained Yea or Not.

WHEREUPON it being moved to delay the ſaid vote till next Sederunt of Parliament A previous vote was ſtated Proceed or Delay And it carried Proceed.

THEN it was put to the vote Approve of the ſaid second paragraph of the tuenty ſecond article of Union with the above explanation above inſert or Not.

AND the clauſe with the explanation being thereupon again read, Before voteing the Earle of Abercorn gave in the following protest viz. " I protest against the ſettling the repreſentatives of Scotland for the Parliament of Great Britain after a distinct manner from what might be appointed by the vote approveing of the two and twentieth article becauſe I doe not ſee clear into what may be the conſequence thereof" And thereupon he took inſtruments. [Protest, Earl of Abercorn]

THEN the vote was put Approve or Not And it carried Approve. [22d Article 2d paragraph approved]

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY VIII, M,DCC,VII.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

WHEREUPON it being moved That the four protests given in the former Sederunt by the Duke of Atholl the Earle of Buchan George Lockhart of Carnwath and Walter Stewart ought not to be inſert in the Minuts nor to be printed After ſome reaſoning thereon the Earle of Marchmount gave in a protestation against the ſaid four protests and took inſtruments thereupon. [Anent the Protests against the 22d Article of Union]

" I PATRICK Earle of Marchmont Doe proteſt for my ſelf and all that ſhall adhere to this my proteſtation That the foure ſeverall proteſtations given in yeſterday by the Duke of Athol the Earle of Buchan George Lockhart of Carnwath and Walter Steuart of Pardivan are preſumptuous illegall and unwarrantable calling in queſtion what the Parliament hath done and impugneing the authority of Queen and Parliament and tending directly to raiſe ſedition And that their being inſert in the Minuts of the proceedings of Parliament ſhall be no ſtop nor hinderance to the Parliament to take thoſe proteſtations under conſideration when they ſhall think fit." [Protest, Earl of Marchmont]

AND the Lord Chancellor the Marquis of Montroſe preſident of the Privy Council the Duke of Argyll the Marquis of Tweedale the Marquis of Lothian the Earle of Marr Lo. Secretary the Earle of Lowdoun Lo. Secretary the Earles of Sutherland Rothes Mortoun Roxburgh Dalhouſsie Findlater Leven Belcarras Forfar Kintoir Hyndford Glasgow The^r depu^t Delorain & Ilay the Lords Forbes Elphingstoun Roſs Torphichen Fraſer Banff Rollo the Lord Regiſter the Lord Justice Clerk Sr Jo^n Swintoun of that Ilk Sr Alex^r Campbell of Ceſsnock Sr Wm Kerr of Greenhead Archibald Dowglaſs of Cavers Mr Jo^n Murray of Bowhill Mr John Pringle of Hayning Wm Moriſon of Prestongrange George Baillie of Jerviswood Wm Dowglaſs of Dornock Mr Francis Montgomerie of Giffan Mongo Graham of Gorthie Wm Seton younger of Pitmedden Alex^r Grant younger of that Ilk Mr John Campbell of Mammore Sr James Campbell of Auchinbreck James Campbell younger of Ardkinglaſs James Halyburton of Pitcur Alex^r Abercrombie of Glaſsoch Alex^r Dowglaſs of Eagliſhaw Sr Patrick Johnſtoun Lieu^t Co^ll John Areſkine John Mure James Spitle Sr Andrew Home Mr Wm Carmichell Sr Alex^r Ogilvie Mr John Clerk Mr Pat. Ogilvie George Allardyce Mr James Bethun Daniell Campbell Mr Robert Dowglaſs Mr Alex^r Maitland and Mr Charles Campbell adhered thereto.

AND after long reaſoning thereupon The furder debate was adjourned till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY IX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent the Protestations.

THEN the debate mentioned in the Minuts of the ſaid last Sederunt was reſumed in relation to the four protestations given in the ſeventh inſtant by the Duke of Atholl the Earle of Buchan George Lockhart of Carnwath and Walter Stewart and in relation to another protestation against the ſame given in the laſt Sederunt by the Earle of Marchmount.

AND after reaſoning the Lord Balmerino gave in a proteſt against that given in the former Sederunt by the Earle of Marchmount and took inſtruments thereupon.

Protest, John Lord Balmerino

"I JOHN Lord Balmerino do protest that the E. of Marchmonts protestation ought not to be admitted as highly reflecting on many noble & worthy members of Parliament and that it is preſumptuous & tending to ſedition upon which I take inſtruments."

AND the Duke of Hamilton the Duke of Atholl the Earles of Erroll Mariſchall Buchan Eglintoun Wigtoun Galloway & Selkirk the Viscounts of Stormonth and Kilſyth the Lords Sempill Oliphant Blantyre Bargany and Kinnaird George Lockhart of Carnwath Andrew Fletcher of Saltoun Mr Wm Cochran of Kilmaronock Sr Humphray Colquhoun of Luſs Ro^t Rollo of Powhouſe John Murray of Strowan Mr James Carnagie of Phinhaven David Grahame younger of Fintrie Alex^r McKye of Palgown Alex^r Edgar Alex^r Duff Francis Moliſon Archibald Scheills Mr John Lyon Mr John Carruthers George Home and Mr Robert Fraſer adhered thereto.

AND after ſome furder debate it was agreed that none of the above protests be inſert at lenth in the Minuts or printed but that they be all recorded and inſert in the records of Parliament.

[22^d Article of Union, 3^d paragraph. Proceedings thereon]

THEN the third paragraph of the tuenty ſecond article of Union, beginning thus "And that if her Majestie on or before the first day of May next" &c. and ending with theſe words "And that Parliament may continue for such tyme only as the preſent Parliament of England might have continued if the Union of the tuo Kingdomes had not been made unleſs sooner Diſsolved by Her Majestie" was read.

AND after reaſoning thereon, It was moved to Add the following clauſe thereto viz. "And that the ſaid Parliament of Great Britain ſhall meet and ſit once in three years at least, in that part of Great Britain now called Scotland."

AND after furder debate There were tuo ſtates of a vote offered The first in theſe terms Approve the third paragraph of the tuenty ſecond article or Not And the ſecond in theſe terms Add the above clauſe or Not, And after reaſoning which ſhould be the ſtate of the vote It was put to the vote First or Second.

AND it was agreed that the members votes ſhall be marked and that the List of their names as they vote be printed and recorded And the Lord Chancellor was allowed to have his name printed and recorded as a voter for the First ſtate And if that ſhall carry as voteing among the approvers.

[Lists of Voters] THEN the vote was put First or Second And it carried First And the list of the members names as they voted First or Second is as follows.

FIRST.

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst those who voted First by ſpecial order of Parliament
M: Montroſe P. S. C.
D: Argyll
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec:
Southerland
Rothes
Mortoun
Glencairn
Eglintoun
Abercorn
Roxburgh
Haddingtoun
Dalhouſsie
Findlater
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmount
Hyndford
Cromarty
Roſeberry
Glasgow Thes Depe
Delorain
Ilay
Vis: Duppline
Lo: Forbes
Elphingſtoun
Roſs
Torphichen
Fraſer
Banff
Duffus
Rollo
Lo: Register
Lo: Justice Clerk

Of the Barrons.

Roe Dundaſs of Arneſtoun
Sr Roe Dickſon of Inveraſk
Wm Nisbet of Dirletoun
John Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Ker of Greenhead
Archibald Dowglas of Cavers
Wm Bennet of Grubbet
Mr John Pringle of Haining
Wm Morisone of Preſtongrange
George Baillie of Jerviswood
Sr John Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffan
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seaton younger of Pitmedden
Alexr Grant younger of that Ilk
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk
James Halyburtoun of Pitcurr
Alexr Abercrombie of Glaſsoch
Mr James Dunbar younger of Hemprigs
Alexr Dowglaſs of Eagliſhaw

Of the Burrows.

John Scrimſour
Lieut Colt Jon Areſkine
John Mure
James Scott
Sr John Areskine
James Spitle
Mr Pat. Moncrieff
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Dan. McLeod
Sr David Dalrymple
Sr Alexr Ogilvie
Mr John Clerk
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
John Urquhart
Daniell Campbell
Mr Robert Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

SECOND.

Of the Nobility.

D: Hamilton
Atholl

M : Annandale
E : Erroll
Marishall
Buchan
Caithnes
Wigtoun
Galloway
Selkirk
V : Stormont
Kilsyth
Lo : Saltoun
Sempill
Oliphant
Balmerino
Bargany
Beilhaven
Colvill

Of the Barrons.

George Lockhart of Carnwath
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Baillie of Lamingtoun
James Hamilton of Aikenhead
Sr Hugh Cathcart of Carletoun
John Brisbane younger of Bishoptoun
Mr Wm Cochrane of Kilmaronock
John Graham of Killairn
Robert Rollo of Powhouse
Thomas Sharp of Howstoun
Sr Pat. Murray of Auchtertyre
John Murray of Strowan
Alex^r Gordoun of Pitlurg
John Forbes of Colloden
David Bethun of Balfour
Mr Pat. Lyon of Auchterhouse
Mr James Carnagie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boynd
Alex^r McKye of Palgown
James Sinclair of Stempster

Of the Burrows.

Robert Inglis
Alex^r Robertson
Walter Stewart
Alex^r Edgar
Alex^r Duff
Francis Molison
Robert Scott
Robert Kellie
John Hutcheson
Archibald Scheilds
Mr John Lyon
Mr Dowgall Stewart
Mr John Carruthers
George Home
John Bayne
Mr Robert Fraser

THEREAFTER the vote was put Approve the third paragraph of the tuenty fecond article or Not And it carried Approve And the List of the members names as they voted Approve or Not is as follows.

APPROVERS.

Of the Nobility.

The Lo : Chancellor allowed to be printed amongst the Approvers by speciall order of Parliament
M : Montrose P. S. C.
D : Argyle
M : Tweeddale
Lothian
E : Mar Sec :
Loudon Sec :
Sutherland
Rothes
Mortoun
Glencairn
Eglintoun
Abercorn
Roxburgh
Haddingtoun
Dalhousie
Findlater
Leven
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndford
Cromartie
Rosebery
Glasgow The^r Dep^t
Delorain
Ilay
V : Duplin
Lo : Forbes
Elphingstoun
Ross
Torphichen
Fraser
Banff
Duffus
Rollo
Lo : Register
Lo : Justice Clerk

Of the Barrons.

Ro. Dundas of Arniston
Sir Ro. Dickson of Inverask
Wm Nisbet of Dirletoun

Jo^{n} Cockburn younger of Ormieſtoun
Sir Jo^{n} Swinton of that Ilk
Sir Alex^{r} Campbell of Cesnock
Sir Wm Ker of Greenhead
Arch. Douglas of Cavers
Wm Bennet of Grubbet
Mr Jo^{n} Pringle of Haining
Wm Moriſon of Prestongrange
Geo. Baillie of Jerviswood
Sir John Johnstoun of Westerhall
Wm Douglas of Dornock
Mr Wm Steuart of Castlesteuart
Mr Jo^{n} Steuart of Sorbie
Mr Fra. Montgomerie of Giffen
M^{r} Ro. Steuart of Tillicultrie
Sir Robt Pollock of that Ilk
Jo^{n} Hadden of Glenagies
Mungo Graham of Gorthie
Sir Tho. Burnet of Leyes
Wm Seton younger of Pitmedden
Alex. Grant younger of that Ilk
Mr Jo^{n} Campbell of Mammore
Sr James Campbell of Auchinbreck
Ja. Campbell younger of Ardkinlaſs
Sir W^{m} Anſtruther of that Ilk
Ja. Halyburton of Piteur
Alex. Abercrombie of Glaſsoch
M^{r} Ja. Dunbarr younger of Hemprigs
Sir Henry Innes younger of that Ilk
Alex. Douglas of Egilſhaw

Of the Burrows.

Sir Pat. Johnſtoun
Jo^{n} Scrimſour
Lieu^{t} Colo^{ll} Jo^{n} Areskine
Jo^{n} Muire
James Scott
Sir Jo^{n} Areskine
James Spitle
Mr Pat. Moncrief
Sir And. Home
Wm Coltran
Sir Pet. Halket
Sir Ja. Smollet
Mr Wm Carmichael
Mr Wm Sutherland
Capt. Dan. McLeod
Sir Dav. Dalrymple
Sir Alex. Ogilvie
Mr Jo^{n} Clerk
Jo^{n} Roſs
Sir Hugh Dalrymple
Mr Pat. Ogilvie
Geo. Allardyce
M^{r} Ja. Bethun
Jo^{n} Urquhart
Sir Ja. Stewart
Dan. Campbell
Sir Ro Forbes
M^{r} Ro. Douglaſs
Mr Alex. Maitland
Mr Geo. Dalrymple
Mr Cha. Campbell

NOES

Of the Nobility

D : Hamilton
Athole
M : Annandale
E : Erroll
Marischall
Buchan
Caithnes
Wigton
Galloway
Selkirk
V : Stormont
Kilſyth
Lo : Salton
Sempill
Oliphant
Balmerino
Bargany
Belhaven
Colvill
Kinnaird

Of the Barrons.

Geo. Lockhart of Carnwath
And. Fletcher of Salton
Sir Ro. Sinclair of Longformacus
Wm Baillie of Lammingtoun
Ja. Hamilton of Aikenhead
Jo^{n} Sharp of Hoddam
Mr Alex. Ferguſon of Isle
Sir Hugh Cathcart of Carletoun
Jo^{n} Brisbane younger of Bishoptoun
Mr Wm Cochran of Kilmaronock
Jo^{n} Graham of Killairn
Ro. Rollo of Powhouſe
Jo^{n} Murray of Strouan
Dav. Bethun of Balfour
Mr Pat. Lyon of Auchterhouſe
Mr James Carnegie of Phinhaven
Dav. Graham younger of Fintrie
Ja. Ogilvie younger of Boyne
Alex. McKye of Palgoun
James Sinclair of Stempster

Of the Burrows.

Alex. Robertſon
Wa. Steuart
Alex. Watſon
Alex. Edgar
Alex. Duff
Fra. Molison
Ro. Scott
Ro. Kellie

Jo^{n} Hutcheſon
Arch. Sheills
Mr Jo^{n} Lyon
Mr Jo^{n} Caruthers
Geo. Home
M^{r} Ro. Fraser

[Rest of 22^{d} Article of Union;—Proceedings thereon]

THEN the reſt of the tuenty second article of Union was read And after ſome reaſoning and reading of the oaths to which it relates an overture was given in for an additionall clauſe for explaining the word "Limitation" mentioned in the oath appointed to be taken by Statute 13. W: 3. Cap: 6.

AND another Overture was given in for exeeming perſons in any office or imployment in Scotland from takeing the Oath of Abjuration mentioned in the ſaid article.

AND a third overture for a clauſe "That ſo long as the Act appointing a Sacramentall Teſt ſhall continue in force in England all perſons in publick Trust within the Limits of Scotland ſhall ſwear and ſign a Formula thereto ſubjoyned in manner and under the penalties therein mentioned."

AND after reading the ſaid three overtures and reaſoning thereon a vote was ſtated Approve the tuenty ſecond article of Union as explained or Not.

BUT before voteing It was agreed that notwithstanding of the said vote and that the article ſhall be thereby approven, it ſhall nevertheleſs be intire and free thereafter to proceed on the ſaids overtures next Sederunt of Parliament, and to the Parliament to give their sentiment thereon.

AND it being thereupon moved to delay the vote for approveing the article till next Sederunt

A PREVIOUS vote was ſtated Proceed or Delay And it carried Proceed.

THEN the vote was ſtated Approve or Not.

BUT before voteing It was agreed that the members votes be marked and that the List of their names as they vote be printed and recorded. And the Lord Chancellor was allowed to have his Name printed and recorded as an approver.

[List of Voters]

THEREAFTER the vote was put Approve the tuenty ſecond article as explained or Not And it carried Approve And the List of the members names as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility.

The Lord Chancellour allowed to be printed amongst the approvers by speciall order of Parliament
M: Montrose P. S. C.
D: Argyll
M: Tweddale
Lothian
E: Mar Sec.
Loudon Sec.
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Dalhouſie
Findlater
Leven
Belcaras
Forfar
Kilmarnock
Kintore
Marchmont
Hyndford
Glasgow The^{r} Dep^{t}
Delorain
Ilay
V: Duplin
Lo: Forbes
Elphingstoun
Roſs
Torphichen
Banf
Rollo
Lo: Regiſter
Lo: Juſtice Clerk

Of the Barrons.

Sir Ro^{t} Dickson of Inveraſk
Wm Nisbet of Dirleton
Jo^{n} Cockburn younger of Ormeſtoun
Sr Jo^{n} Swinton of that Ilk
Sir Alex. Campbell of Ceſsnock
Sir Wm Ker of Greenhead
Arch. Douglas of Cavers
Wm Bennet of Grubet
Mr Jo^{n} Murray of Bowhill
Wm Moriſon of Preſtongrange
Geo. Baillie of Jerviswood
Sir Jo^{n} Johnſtoun of Westerhall
Mr Wm Steuart of Caſtleſteuart
Mr Jo^{n} Steuart of Sorbie
Mr Fra. Montgomerie of Giffin
M^{r} Ro. Steuart of Tillicultrie
Sir Ro. Pollock of that Ilk

Jo^n Hadden of Glennagies
Mungo Graham of Gorthie
Wm Seton younger of Pitmedden
Alex. Grant younger of that Ilk
Mr Jo^n Campbell of Mammore
Sir Ja. Campbell of Auchinbreck
Ja. Campbell younger of Ardkinglas
Sir W^m Anſtruther of that Ilk
Alex. Abercrombie of Glaſsoch
Alex. Douglas of Egliſhaw

Of the Burrows

Sir Pat. Johnſtoun
Lieu^t Colo^ll Jo^n Areſkine
Sir Jo^n Areſkine
Mr Pat. Moncrief
Sir And. Home
Sir Pet. Halket
Sir Ja. Smollet
Mr Wm Carmichael
Sir Dav. Dalrymple
Sr Alex. Ogilvie
Mr Jo^n Clerk
Jo^n Roſs
Mr Pat. Ogilvie
Geo. Allardyce
M^r Ja. Bethun
Dan. Campbell
Sir Ro^t Forbes
M^r Ro. Douglas
Mr Alex. Maitland
Mr Geo. Dalrymple
Mr Cha. Campbell

NOES

Of the Nobility

D: Hamilton
Athole
E: Craufurd
Erroll
Mariſchall
Buchan
Caithnes
Wigton
Galloway
Selkirk
V: Stormont
Kilsyth
Lo: Saltoun
Sempill
Balmerino
Blantyre
Beilhaven
Colvill
Kinnaird

Of the Barrons

Geo. Lockhart of Carnwath
Sir Jo^n Lauder of Fountainhall
And. Fletcher of Salton
Sir Ro. Sinclair of Longformacus
Sir Pat. Home of Renton
Wm Baillie of Lamingtoun
Jo^n Sinclair younger of Stevenſon
Jo^n Sharp of Hoddam
Mr Alex. Fergufon of Isle
Sir Hugh Cathcart of Carleton
Jo^n Brisban younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
Jo^n Graham of Killearn
Jo^n Murray of Strowan
John Forbes of Colloden
Dav. Bethun of Balfour
Major Henry Balfour of Dunboig
Mr Pat. Lyon of Auchterhouſe
M^r Ja. Carnegie of Phinhaven
Dav. Graham younger of Fintrie
Ja. Ogilvie younger of Boine
Wm Maxwell of Cardineſs
Alex. McKye of Palgoun
James Sinclair of Stempster
Sir Henry Innes younger of that Ilk
Mr Alex. Abercrombie of Tillibody

Of the Burrows

Alex. Robertſon
Wa. Steuart
Alex. Watſon
Hugh Montgomerie
Alex. Edgar
Alex. Duff
Fra. Moliſon
Ro. Scott
Ro. Kellie
Jo^n Hutcheſon
Arch. Sheills
Mr Jo^n Lyon
Mr Dougall Steuart
Geo. Brodie
Mr Jo^n Caruthers
Geo. Home
Jo^n Baine
Sir James Steuart
Mr Ro^t Fraſer

THEN the Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till the morrow at ten of the Clock.

JANUARY X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of Citizens Burgeſses Trades and other inhabitants within the toun of Perth ſubſcribers of the ſame against ane Union with England in the terms of the articles given in and read. [Addreſs against the Union]

[22d Article of Union] THEN the overture for exeeming perſons in any office or imployment in Scotland from takeing the oath of abjuration mentioned in the twenty ſecond article of Union was again read And after ſome reasoning thereon the overture was past from.

THEREAFTER the overture for an additionall clause to the ſaid twenty ſecond article for explaining the word "Limitation" mentioned in the oath appointed to be taken by Stat. 13. W. 3. Cap. 6. was again read in theſe terms "Likeas it is declared that by the word Limitation in the oath mentioned in the above article is only underſtood Entaile of the Succeſsion and not the Conditions of Government upon the ſucceſsor And that all perſons of Scotland who may be lyable to take the ſaid oath Swear it in that ſenſe only."

AND after reasoning thereon The vote was put Add the ſaid Clause or Not and it carried Not.

THEN the third overture for a clause to be added to the ſaid twenty ſecond article mentioned in the Minuts of the last Sederunt was again read in these terms "And furder it is agreed that ſo long as that part of the 2d Act anno 25 Ch: 2d appointing a Sacramentall Test ſhall ſtand and continue in force in England all perſons in publick truſt civil or military within the limits of Scotland ſhall ſwear and ſign the Formula underwritten within ſix moneths after the commencement of the Union And all who ſhall be admitted to any publick trust thereafter ſhall before exerciſeing their ſaid office of truſt Swear and Subscribe the ſame to be administered by the Lords of Privy Council or any one of them under the like penalties and disabilities as are provyded by the foreſaid Act made in the Parliament of England.

FOLLOWS the Formula. I A: B: do ſincerely & ſolemnly Declare in the preſence of God that I own the Presbyterian Government of the Church as by law Eſtabliſhed in Scotland to be a lawfull government of the Church and that I ſhall never directly nor indirectly endeavour the ſubverſion thereof nor any alteration in the worſhip discipline or government of the ſaid Church as by law eſtabliſhed So help me God."

AND after reasoning thereon a vote was stated Add the clause or Not.

BUT before voteing It was agreed that the members votes ſhall be marked and that a Liſt of their names as they vote be printed & recorded Then the vote was put Add the clause or Not and it carried Not And the List of the members as they voted Add or Not is as follows.

[List of Voters]

NOES

Of the Nobility

M: Montroſe P. S. C.
D: Argyll
M: Tweedale
E: Marr Sec:
Lowdoun Sec:
Sutherland
Rothes
Mortoun
Glencairn
Roxburgh
Haddingtoun
Dalhouſsie
Findlater
Leven
Northeſk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmount
Cromarty
Roseberry
Glasgow Ther Depe
Hopetoun
Delorain
Ilay
Lo: Forbes
Saltoun
Elphinſtoun
Roſs
Torphichen
Fraſer
Banff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Justice Clerk.

Of the Barrons

Sr Robert Dickſon of Inveraſk
John Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
George Baillie of Jerviswood
Sr John Johnſtoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Wm Dalrymple of Glenmuir

Mr John Montgomerie of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Alexr Grant younger of that Ilk
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglass
Sr Wm Anſtruther of that Ilk
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Alexr Dowglaſs of Eglishaw

Of the Burrows

John Scrimſour
James Scott
Sr John Areskine
James Spitle
Mr Pat. Moncrieff
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Daniell McLeod
Sr David Dalrymple
Sr Alexr Ogilvie
Mr John Clerk
Mr Dowgall Stewart
John Roſs
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Daniell Campbell
Sr Rot Forbes
Mr Rot Fraſer
Mr Rot Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

ADD

Of the Nobility

D: Hamilton
M: Lothian
Annandale
E: Erroll
Mariſhall
Buchan
Eglingtoun
Caithnes
Wigtoun
Galloway
Selkirk
Hyndford
Vis: Stormont
Kilſyth
Lo: Sempill
Oliphant
Blantyre
Bargany
Beilhaven
Kinnaird

Of the Barrons.

Rot Dundaſs of Arneſtoun
George Lockhart of Carnwath
Sr John Lawder of Fountainhall
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Baillie of Lamingtoun
Jon Sinclair younger of Stevinſone
James Hamilton of Aikenhead
John Sharp of Hoddam
Mr Alexr Ferguſon of Isle
Mr Francis Montgomery of Giffan
Sr Hugh Cathcart of Carletoun
John Briſbane younger of Biſhoptoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
Robert Rollo of Powhouſe
John Murray of Strowan
Hugh Roſs of Kilravock
John Forbes of Culloden
Mr Thomas Hope of Rankeillor
Wm Maxwell of Cardineſs
Alexr McKye of Palgown
James Sinclair of Stempſter
Sr Henry Innes younger of that Ilk
Mr Alexr Abercrombie of Tillibody

Of the Burrows

Sr Pat. Johnſtoun
Rot Inglis
Walter Stewart
Hugh Montgomery
John Mure
Alexr Edgar
Francis Molison
Walter Scott
Wm Coltrane
Rot Scott
Rot Kellie
Ard Scheills
George Brodie
George Spens
Mr John Carruthers
George Home
John Bayne
Sr James Stewart

[23d Article of Union read]

THEREAFTER the twenty third article of Union was read And after reasoning thereon the furder debate was adjourned till next Sederunt of Parliament to be then proceeded upon previous to all other bufsinefs except a Proclamation to be then brought in for prorogating the dyet for the choiseing of Collectors and Clerks of the Supply in the severall fhires of the Kingdom and continueing the laft Collectors & Clerks for the term of Candlemas next.

THE Committee appointed to meet to morrow at ten of the Clock in the ufuall place.

THEN the Lord Chancellour by order of Her Majesties high Commifsioner Adjourned the Parliament till Munday next at ten of the clock.

JANUARY XIII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Burgh of Dundee]

WARRAND granted for citeing the Creditors of the Burgh of Dundee in order to the Magistrats and Toun Council of the faid burgh their obtaining protection.

PROCLAMATION for prorogating the Dyet for the choifeing of Collectors and Clerks of the Supplie and continuing the laft Collectors & Clerks for the term of Candlemas next read And after fome amendments it was voted and approven.

PROCLAMATION for Prorogating the meeting of the Commifsioners of Supply.

ANNA by the Grace of God Queen of Great Britane France & Ireland Defender of the faith to our Lyon King at armes & his brethren heraulds macers purfevants & mefsingers at armes Our fherriffs in that part conjunctlie and feverallie fpeciallie conftitute Greeting Foralfmuch as by the Act of Supply paft & publifhed this prefent Seffione of Parliament The laft Thurfday of January inftant is appoynted for the meeting of the Commifsioners of Supply in ordour to choyfe their Collectors and Clerks for uplifting and receaveing the Supply mentioned in the faid Act of Parliament And in regaird the members of Parliament cannot be prefent to attend the faid Dyet prefixed for choyfeing the faids Collectors and Clerks It is neceffary that the faid former dyet be prorogate in manner underwryttin Thairfor we with advyce and confent of the Eftates of Parliament doe heirby prorogate this faid dyet for the meeting of the Commifsioners of the faid Supply for choyfeing of their refpective Collectors and Clerks untill the fecond Thurfday of Apryll nixt And appoynts the faids Commifsioners to meet and convein on the faid day at the head burghs of the feverall fhyres & stewartries within this Kingdome and choyfe their refpective Collectors and Clerks to the faid Supply in the way and manner as is prefcryved in the Act of Parliament And we with advyfe and confent forfaid heirby ordaine and appoynt the former Collectors and Clerks to the laft termes Supply to continow to uplift and receave the termes cefs due and payable at Candlefmes nixt with the fourth pairt of a moneths cefse and fupply due and payable to Mr Ramfay at the faid terme the faids Collectors alwayes betuixt and the faid terme finding fufficient cautione at the fight of a quorum of the Commiffioners of the laft Supply to be comptable for and makeing payment of the faid termes cefs and fupply And lykewayes for the laft moneths cefs and fupply payable the tenth day of December laft which they were oblidged to uplift Our will is heirfor and wee charge yow that incontinent ye pafs to the mercat Crofs of Edinburgh and to the mercat Crofs of the remanent other head brughs of the refpective fhyres and burghs within this Kingdome and there make due and lawfull publicatione heirof that none pretend ignorance And ordaine thir prefents to be printed And that the Sollicitors difpatch copies heirof to be publifhed at the mercat crofs of the head burghs of the faids feverall fhyres and ftewartries within this Kingdome.

[23d Article of Union;—Proceedings thereon]

THEN the tuenty third article of Union was again read And after fome reafoning an overture was given in for adding a claufe thereto in thefe terms "With this expref provifion That none of the Peers of Scotland fhall have perfonall protection within Scotland for any debt owing before the commencement of the Union."

AS alfo another overture was given in for adding a claufe thereto in thefe terms "That all the Peers of that part of Great Britain now called Scotland qualified according to law fhall after the Union have right to fit Covered in the Houfe of Peers of Great Britain notwithftanding that the right to give vote therein belongs only to the faid fixteen Peers who are to be fummoned in the manner appointed by the preceeding article."

AND after reafoning upon the faids two overtures And upon two feperat motions The first in relation to the allowing all the Peers of Scotland to fit upon the tryall of the Peers of Britain; and the other in relation to their precedencie according to their patents: The vote was ftated in thefe terms Approve the tuenty third article of Union or Alter Reserving intire the confideration of the above

two overtures and whether the famen ſhall be added to the article And it carried Approve.

THEN the first overture for the clauſe in relation to perſonall protection was again read And after debate it was put to the vote Add the clauſe or Not and it carried Not.

THEREAFTER the ſecond overture for a clauſe in relation to all the Peers of Scotland their ſitting Covered in the Houſe of Peers of Great Britain was again read And after reaſoning the vote was put Add the clauſe or Not.

BUT before voteing It was agreed that the Members votes ſhall be marked and that the List of their names as they vote be printed & recorded.

[List of Voters] THEN it was put to the vote Add the clauſe or Not And it carried Not And the List of the Members as they voted Add or Not is as follows.

NOES

Of the Nobility

M: Montrose P. S. C
D: Argyle
M: Lothian
E: Marr Sec:
Lowdoun Sec
Rothes
Mortoun
Glencairn
Roxburgh
Haddingtoun
Findlater
Leven
Kintoir
Marchmount
Hyndford
Cromarty
Roseberry
Glasgow Thr Dep
Hopetoun
Delorain
Ilay
V: Duppline
Lo: Forbes
Elphinſtoun
Roſs
Banff
Duffus
Rollo
Lo: Register
Lo: Justice Clerk.

Of the Barrons.

John Cockburn younger of Ormistoun
Sr Jon Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Ard Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
Wm Morison of Prestongrange
George Baillie of Jerviswood
Sr John Johnstoun of Westerhall
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomerie of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Robert Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Mr Jon Montgomerie of Wrae
John Halden of Glenagies
Mongo Grahame of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Sr Kenneth McKenzie
Mr John Campbell of Mammore
Sr Ja. Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anstruther of that Ilk
James Halyburton of Pitcurr
Alexr Abercrombie of Glaſsoch
Alexr McKye of Palgown
Alexr Dowglaſs of Eagleshaw
John Bruce of Kinroſs

Of the Burrows

Sr Pat. Johnstoun
John Scrimſour
Lieut Coll Jon Areſkine
John Mure
James Scott
Sr John Areskine
Mr Pat. Moncrieff
Walter Scott
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Sr David Dalrymple
Sr Alexr Ogilvie
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rorie McKenzie
John Urquhart
Daniell Campbell
Sr Robert Forbes
Mr Rot Dowglaſs
Mr Alexr Maitland

Mr George Dalrymple
Mr Charles Campbell

ADD

Of the Nobility

D: Hamilton
M: Annandale
E: Erroll
Marifchall
Eglintoun
Abercorn
Galloway
Kilmarnock
Vis: Stormont
Kilsyth
Lo: Saltoun
Balmerino
Blantyre
Cranftoun
Elibank
Beilhaven
Colvill

Of the Barrons

George Lockhart of Carnwath
Andrew Fletcher of Saltoun
Wm Nifbet of Dirletoun
Sr Ro[t] Sinclair of Longformacus
Sr Pat. Home of Rentoun
Wm Baillie of Lamingtoun
John Sinclair younger of Stevenfone
John Brisbane younger of Bishoptoun
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
John Graham of Killairn
Robert Rollo of Powhouſe
Alexr Gordon of Pitlurg
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Pat. Lyon of Ochterhouse
Mr James Carnagie of Phinhaven
David Grahame younger of Fintrie

Of the Burrows

Alexr Robertſon
Alexr Edgar
Sr Jon Anſtruther
Alexr Duff
Francis Molison
Robert Scott
Robert Kellie
John Hutcheſon
Mr Wm Sutherland
Mr John Lyon
George Brodie
Mr John Carruthers
George Home
John Bayne

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the tuenty fourth article of Union was read Whereupon a Memoriall was given in for the Lyon King of Arms in relation to his precedencie Which being read after reaſoning it was moved That the rank and precedencie of the Lyon King of Arms be left to her Majestie and that next to theſe words in the ſaid article viz. " And that the quartering the arms" Theſe other words viz. " And the rank and precedencie of Lyon King of Arms of the Kingdome of Scotland" be added. [24th Article of Union;—Proceedings thereon]

AND it being alſo moved That his Rank ſhould be inſert in the ſaid Article to be immediatly next after Garter Principall King of Arms in England After debate it was put to the vote Add the above words That the rank and precedencie be left to her Majestie or inſert the rank and precedencie And it carried Add the words.

WHICH being accordingly added There was another clauſe offered to be added to the ſaid tuenty fourth article in theſe terms " And the Crown Scepter and Sword of State, Records of Parliament, and all other Records Rolls and Registers whatſomever both publick & private generall and particular and warrands thereof continue to be keeped as they are in that part of the United Kingdome now called Scotland and that they ſhall ſo remain in all tyme coming, notwithstanding of the Union" Which being read the ſame was agreed to be added and was accordingly subjoyned and the article as amended read over.

THEN the vote was put Approve of the tuenty fourth article of Union as amended or not And it carried Approve.

PETITION Alexr Baillie ſervitor to the Lord Register for a gratification for his pains and charges in putting the Records in order makeing Inventary Books &c. read And agreed that the ſaid Petition be taken into consideration the first Sederunt for private buſsines. [Alexr Baillie]

[25th Article of Union approved] THEREAFTER the tuenty fifth article of Union was read And after reaſoning thereon the vote was put Approve of the tuenty fifth article or Not And it carried Approve.

MOVED that a dyet be appointed for considering the manner of electing the repreſentatives for Scotland to the Parliament of Great Britain And agreed that the motion be intire next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act ratifying the Treaty of Union &c.] DRAUGHT of ane Act Ratifieing and Approving the Treaty of Union of the Tuo Kingdomes of Scotland and England given in and offered to be read.

WHEREUPON it was moved That the Parliament should first proceed to the Constitution of the manner of electing the representatives for Scotland to the Parliament of Great Britain And either now to Determine that matter or to Appoint a dyet for that end.

AND after debate The vote was stated Proceed to the Ratification of the Treaty of Union and Act for Security of the Protestant Religion and Presbyterian Church Government or to the Constitution of the manner of electing the representatives for Scotland to the Parliament of Great Britain.

BUT before voting It was agreed that in caice it shall carry to proceed to the Ratification the Parliament will immediatly after paſsing the Act of Ratification proceed to the Constitution of the manner of electing the representatives for Scotland.

THEN the vote was put Proceed to the Ratification or Constitution And it carried Ratification.

THEREAFTER the draught of the Act Ratifying, Approving, and at length Narrating the Articles of Union, as enlarged, explained, and amended, and the Act for Security of the Protestant Religion, and Presbyterian Church Government, was read.

AND after some discourse It was put to the vote Mark a first reading on the Act or Not, And it carried, Mark a first reading, And accordingly a first reading was marked thereon.

THEN the Lord Chancellour by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XVI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act ratifying the Treaty of Union] DRAUGHT of the Act Ratifieing and Approving the Treaty of Union of the Two Kingdomes of Scotland and England read a ſecond time.

THEN the Act for Security of the Protestant Religion and Presbyterian Church Government which is inſert in and ratified by the above Act was touched with the Royall Scepter by Her Majesties High Commiſsioner in the uſuall manner.

ACT for Securing the Protestant Religion and Presbyterian Church Government.

OUR SOVEREIGN LADY and the Eſtates of Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided that the Commiſsioners for that Treaty should not treat of or concerning any alteration of the Worſhip Diſcipline and Government of the Church of this Kingdom, as now by Law eſtabliſhed, Which Treaty being now reported to the Parliament, and it being reaſonable and neceſsary that the true Proteſtant Religion, as preſently profeſsed within this Kingdom with the Worſhip Diſcipline and Government of this Church ſhould be effectually and unalterably ſecured, Therefore Her Majesty with advice and conſent of the said Eſtates of Parliament Doth hereby Eſtabliſh and Confirm the ſaid true Proteſtant Religion and the Worſhip Diſcipline and Government of this Church to continue without any alteration to the people of this land in all ſucceeding generations And more especially Her Majeſtie with advice and conſent foreſaid Ratifies Approves and for ever Confirms the fifth Act of the firſt Parliament of King William and Queen Mary Entituled Act Ratifieing the Confeſsion of Faith & settling Preſbyterian Church Government, with the haill other Acts of Parliament relating thereto in proſecution of the Declaration of the Eſtates of this Kingdom, containing the Claim of Right, bearing date the eleventh of April, I^m vj^c and eighty nine And Her Majeſty with advice and conſent foreſaid expreſsly Provides and Declares 6

that the foreſaid true Proteſtant Religion contained in the above mentioned Confeſsion of Faith with the form and purity of worſhip preſently in uſe within this Church, and it's Preſbyterian Church Government and Diſcipline, that is to say the Government of the Church by Kirk Seſsions Preſbytries Provincial Synods and General Aſsemblies, all eſtabliſhed by the foreſaid Acts of Parliament pursuant to the Claim of Right, ſhall remain and continue unalterable, And that the ſaid Presbyterian Government ſhall be the only Government of the Church within the Kingdom of Scotland And further for the greater ſecurity of the foreſaid Proteſtant Religion and of the Worſhip Diſcipline and Government of this Church as above eſtabliſhed Her Majeſty with advice and conſent foreſaid Statutes and Ordains That the Univerſities and Colledges of Saint Andrews Glaſgow Aberdeen and Edinburgh as now eſtabliſhed by Law ſhall Continue within this Kingdom for ever. And that in all time comeing no Profeſsors, Principals, Regents, Maſters, or others bearing office in any Univerſity Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the exerciſe of their said functions but such as ſhall own and acknowledge the Civil Government in manner preſcribed or to be preſcribed by the Acts of Parliament As also that before or at their admiſsions they do and ſhall acknowledge and profeſs and ſhall subscribe to the foreſaid Confeſsion of Faith as the confeſsion of their faith, and that they will practise and conform themselves to the worſhip preſently in uſe in this Church, and submit themselves to the Government and Diſcipline thereof and never endeavour directly or indirectly the prejudice or subverſion of the same and that before the reſpective Preſbytries of their bounds by whatsoever gift preſentation or proviſion they may be thereto provided And further Her Majeſty with advice foreſaid expreſsly Declares and Statutes That none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever free of any Oath Teſt or Subscription within this Kingdom contrary to or inconſiſtent with the foreſaid true Proteſtant Religion and Preſbyterian Church Government Worſhip and Diſcipline as above eſtabliſhed And that the same within the bounds of this Church and Kingdom ſhall never be impoſed upon or required of them in any sort And Lastly That after the deceaſe of her preſent Majeſty (whom God long preſerve) the Sovereign ſucceeding to her in the Royal Government of the Kingdom of Great Britain ſhall in all time comeing at his or her acceſsion to the Crown Swear and Subscribe that they ſhall inviolably maintain and preſerve the foreſaid Settlement of the true Protestant Religion with the Government Worſhip Diſcipline Right and Priviledges of this Church as above eſtabliſhed by the Laws of this Kingdom in prosecution of the Claim of Right. And it is hereby Statute and Ordained That this Act of Parliament with the Eſtabliſhment therein contained ſhall be held and observed in all time comeing as a fundamental and eſsential condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any alteration thereof or derogation thereto in any sort for ever As also that this Act of Parliament and ſettlement therein contained ſhall be insert and repeated in any Act of Parliament that ſhall paſs for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms And that the ſame ſhall be therein expreſsly Declared to be a fundamental and eſsential Condition of the said Treaty or Union in all time comeing.

[Petition of the General Aſsembly]

REPRESENTATION and Petition of the Commiſsion of the Generall Aſsembly of the Church of Scotland given in and read And after reaſoning upon the act and repreſentation the vote was ſtated Approve the act or Not.

AND before voteing It was agreed that the members votes be marked and that the List of their Names as they vote be printed and recorded and the Lord High Chancellor was allowed to have his name marked printed and recorded as an approver.

[Protest, Duke of Dowglaſs]

LIKEAS a protest was given in for the Duke of Dowglaſs and read in theſe terms "We underſubſcribers Tutors Testamentars to His Grace the Duke of Dowglaſs whereof three is a quorum in name & behalf of the ſaid Duke Forasmuch as His Grace the Duke of Dowglaſs and his heirs has by their Investitures and Honours of the Estate of Dowglaſs (in conſideration of the great and faithfull ſervices done & performed to this Crown & Kingdome by his anceſtors) provided to them the Honour of leading the van of the arms of Scotland in the day of Battell, the carrieing of the Crown of Scotland in Proceſsions, and giving the first vote in all Parliaments Councils or Conventions in Scotland, And ficklike by the tuentieth article of the Union all heretable offices are reſerved to the owners as rights of property in the ſame manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty whereby His Graces foreſaid offices and priviledges by parity of reason & justice ought to be preſerved Yet seeing the intire Union of the two Kingdoms will be attended with an Union of their Arms Crowns and Councils whereby his Graces offices and priviledges may ſeem to be of more difficult explication His Graces Tutors & Guardians in his pupillarity Doe now before the Treaty be Ratified in this Parliament judge it indiſpensablie their Duty for His Graces Intereſt in his name & theirs underſubſcribers as Tutors to him with all Humility, to protest That the ſaid Treaty may not in any ſort

prejudge the foreſaid Honours & Priviledges belonging to his Grace and ſucceſsours, which have been the Glorious Rewards and Marks of Honour to the Illustrious families of Dowglaſs & Angus for their loyalty great and faithfull ſervices to the Crown & Kingdom of Scotland And that this their protest may be recorded and marked in the Minuts and Records of Parliament."

[Protest, Duke of Hamilton]

AS also another protest was given in by the Duke of Hamilton in theſe terms "Forasmuch as there is a protestation made in behalf of the Duke of Dowglaſs in relation to his pretenſions of having the first ſeat and vote in Parliament Which protestation being altogether groundleſs Therefore I James Duke of Hamilton Doe protest in the contrair in regaird that none of the ſaid Duke of Dowglaſs his predeceſsors has or enjoyed any ſuch priviledge ſince there were Dukes or Marqueſes created in Scotland And my predeceſsors were Dignified with patents of Marques and Duke ſucceſsively long before he or his predeceſsors had the ſame. Secondly William Earle of Angus the ſaid Duke his predeceſsor did upon the fourth day of June I^{m} vj^{c} and thirty three years Resign all right & claim that he or his predeceſsors or ſucceſsors had or ſhould have to that priviledge of first ſitting and voteing in Parliament in his Majesties Hands Which Reſignation is registrat in the books of Parliament the tuentieth day of the ſaid moneth of June I^{m} vj^{c} thirty three years Thirdly I and my predeceſsors have been in continuall poſſeſsion of having the first ſeat and of first voteing in Parliament and have been first called in the Rolls of Parliament past memory of man And upon this protestation I take inſtruments and deſire the ſame to be inſert in the Records of Parliament."

AND the ſeverall protesters and ingivers took inſtruments upon their respective protests.

[Act ratifying the Treaty of Union approved]

THEN the vote was put Approve the Act Ratifieing and Approving the Treaty of Union of the Two Kingdomes of Scotland and England Yea or Not And it carried Approve And the List of the Members names as they voted Approve or Not is as follows.

[List of Voters]

APPROVERS

Of the Nobility.

The Lo: Chancellor allowed to be printed as an Approver by ſpeciall order of Parliament
M: Montrose P. S. C.
D: Argyll
M: Tweedale
Lothian
E: Marr Sec:
Sutherland
Rothes
Mortoun
Glencairn
Abercorn
Roxburgh
Haddingtoun
Lawderdale
Wemys
Dalhouſsie
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintoir
Marchmount
Cromarty
Roseberry
Glasgow The^{r} Dep^{t}
Hopetoun
Delorain
Ilay
V: Duppline
L: Forbes
Elphinstoun
Roſs
Torphichen
Fraser
Banff
Elibank
Duffus
Rollo
Lo: Regiſter
Lo: Juſtice Clerk.

Of the Barrons

Sr Ro^{t} Dickson of Inverask
Wm Nisbet of Dirletoun
Jo^{n} Cockburn younger of Ormeſtoun
Sr John Swintoun of that Ilk
Sr Alex^{r} Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Archibald Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Murray of Bowhill
Mr Jo^{n} Pringle of Haining
Wm Moriſon of Prestongrange
Alex^{r} Horſeburgh of that Ilk
George Baillie of Jerviswood
Sr Jo^{n} Johnſtoun of Weſterhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Castleſtewart
Mr Jo^{n} Stewart of Sorbie
Mr Francis Montgomery of Giffan
Mr Wm Dalrymple of Glenmuir
Mr Ro^{t} Stewart of Tillicultrie
Sr Robert Pollock of that Ilk
Mr John Montgomery of Wrae
John Halden of Glenagies

Mongo Graham of Gorthie
Sr Thomas Burnet of Leyes
Wm Seton younger of Pitmedden
Alexr Grant younger of that Ilk
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk
James Halyburton of Pitcur
Alexr Abercrombie of Glaſsoch
Mr James Dunbar younger of Hemprigs
Alexr Dowglaſs of Eagleſhaw
John Bruce of Kinroſs

Of the Burrows

John Scrimſour
Lieut Colt Jon Areskine
John Mure
James Scott
Sr Jon Areſkine
James Spittle
Mr Pat. Moncrieff
Sr Andrew Home
Sr Peter Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Capt. Dan. McLeod
Sr Dav. Dalrymple
Sr Alexr Ogilvie
Mr Jon Clerk
John Roſs
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
Mr Rod. McKenzie
John Urquhart
Dan. Campbell
Sr Rot Forbes
Mr Rot Dowglaſs
Mr Alexr Maitland
Mr Geo. Dalrymple
Mr Charles Campbell

NOES

Of the Nobility.

D: Hamilton
M: Annandale
E: Erroll
Mariſchall
Buchan
Caithnes
Wigtoun
Galloway
V: Stormont
Kilſyth
Lo: Saltoun
Sempill
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvill
Kinnaird

Of the Barrons

Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Sr Robert Sinclair of Longformacus
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Baillie of Lamingtoun
John Sinclair younger of Stevenſone
James Hamilton of Aikenhead
Mr Alexr Ferguſson of Isle
Sr Hugh Cathcart of Carletoun
John Brisbane younger of Biſhoptoun
Mr Wm Cochrane of Kilmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
John Murray of Strowan
Alexr Gordon of Pitlurg
John Forbes of Colloden
David Bethun of Balfour
Major Henry Balfour of Dunboog
Mr Thomas Hope of Rankeillor
Mr Patrick Lyon of Auchterhouſe
Mr James Carnagie of Phinhaven
David Graham younger of Fintrie
Wm Maxwell of Cardines
Alexr McKye of Palgown
James Sinclair of Stempſter
Sr *Henry Innes* younger of that Ilk
Mr George McKenzie of Inchcoulter

Of the Burrows

Robert Inglis
Alexr Robertson
Walter Stewart
Hugh Montgomery
Alexr Edgar
Alexr Duff
Francis Moliſon
Walter Scott
Rot Scott
Rot Kellie
John Hutcheſone
Arch. Scheills
Mr John Lyon
George Brodie
George Spens
Sr Dav. Cuningham

Mr Jon Carruthers
George Home
John Bayne
Mr Rot Fraſer

AND the Act was thereafter touched with the Royall Scepter by Her Majeſties High Commiſsioner in the uſuall manner.

ACT Ratifying and Approving the Treaty of Union of the Two Kingdoms of SCOTLAND and ENGLAND.

7 THE Eſtates of Parliament Conſidering that Articles of Union of the Kingdoms of Scotland and England were agreed on the twenty ſecond of July One thouſand ſeven hundred and six years by the Commiſsioners nominated on behalf of this Kingdom, under Her Majeſties Great Seal of Scotland bearing date the twenty ſeventh of February last past in pursuance of the fourth Act of the third Seſsion of this Parliament and the Commiſsioners nominated on behalf of the Kingdom of England under Her Majeſties Great Seal of England bearing date at Weſtminſter the tenth day of April last past in purſuance of an Act of Parliament made in England the third year of Her Majeſties Reign to treat of and concerning an Union of the ſaid Kingdoms Which Articles were in all humility preſented to Her Majeſty upon the twenty third of the ſaid Month of July and were Recommended to this Parliament by Her Majeſties Royal Letter of the date the thirty one day of July One thouſand ſeven hundred and six And that the ſaid Eſtates of Parliament have agreed to and approven of the ſaids Articles of Union with ſome Additions and Explanations as is contained in the Articles hereafter inſert And ſicklyke Her Majeſty with advice and conſent of the Eſtates of Parliament Reſolving to Eſtabliſh the Proteſtant Religion and Preſbyterian Church Government within this Kingdom has past in this Seſsion of Parliament an Act entituled Act for ſecureing of the Proteſtant Religion and Preſbyterian Church Government which by the Tenor thereof is appointed to be inſert in any Act ratifying the Treaty and expreſsly declared to be a fundamentall and eſsentiall Condition of the ſaid Treaty or Union in all time coming Therefore Her Majeſty with advice and conſent of the Eſtates of Parliament in fortification of the Approbation of the Articles as abovementioned And for their further and better Eſtabliſhment of the ſame upon full and mature deliberation upon the forſaids Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the ſame with the Additions and Explanations contained in the ſaids Articles in manner and under the proviſion aftermentioned whereof the Tenor follows.

I. THAT the Two Kingdoms of Scotland and England, ſhall upon the firſt day of May next enſuing the date hereof, and forever after, be United into One Kingdom by the Name of GREAT BRITAIN: And that the Enſigns Armorial of the ſaid United Kingdom be ſuch as Her Majeſty ſhall appoint and the Croſses of St Andrew and St George be conjoined in ſuch manner as Her Majeſty ſhall think fit, and uſed in all Flags, Banners, Standards and Enſigns both at Sea and Land.

II. THAT the Succeſsion to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Moſt Sacred Majeſty, and in default of Iſſue of Her Majeſty be, remain and continue to the Moſt Excellent Princeſs Sophia Electoreſs and Dutcheſs Dowager of Hanover, and the Heirs of Her body, being Proteſtants, upon whom the Crown of England is ſettled by an Act of Parliament made in England in the twelth year of the Reign of His late Majeſty King William the Third entituled An Act for the further Limitation of the Crown and better ſecuring the Rights and Liberties of the Subject: And that all Papiſts and perſons marrying Papiſts, ſhall be excluded from and for ever incapable to inherit poſſeſs or enjoy the Imperial Crown of Great Britain, and the Dominions thereunto belonging or any part thereof; And in every ſuch caſe the Crown and Government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon being a Proteſtant as ſhould have inherited and enjoyed the ſame, in caſe ſuch Papiſts or perſon marrying a Papiſt was naturally dead, according to the proviſion for the Deſcent of the Crown of England, made by another Act of Parliament in England in the firſt year of the Reign of their late Majeſties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſsion of the Crown.

III. THAT the United Kingdom of Great Britain be Repreſented by one and the ſame Parliament to be ſtiled the Parliament of Great Britain.

IV. THAT all the Subjects of the United Kingdom of Great Britain ſhall from and after the Union have full Freedom and Intercourſe of Trade and Navigation to and from any port or place within the ſaid United Kingdom and the Dominions and Plantations thereunto belonging. And that there be a Communication of all other Rights, Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwayes expreſsly agreed in theſe Articles.

V. THAT all ships or veſsels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of Scotland though forreign built be deemed and paſs as ships of the build of Great Britain; the Owner or where there are more Owners, one or more of the Owners within Twelve Months after the first of May next making oath that at the time of Ratifying the Treaty of Union in the Parliament of Scotland, the same did in haill or in part belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly named with the place of their respective abodes, and that the same doth then at the time of the ſaid Deposition wholly belong to him or them, and that no forreigner directly or indirectly hath any ſhare part or interest therein, Which Oath ſhall be made before the chief Officer or Officers of the Customs in the Port next to the abode of the ſaid Owner or Owners; And the ſaid Officer or Officers ſhall be Impowered to adminiſter the ſaid Oath, And the Oath being ſo administred ſhall be attested by the Officer or Officers who administred the same And being Registred by the ſaid Officer or Officers, ſhall be delivered to the Master of the ship for security of her Navigation and a Duplicate thereof ſhall be transmitted by the said Officer or Officers to the chief Officer or Officers of the Customs in the port of Edinburgh, to be there Entered in a Register and from thence to be ſent to the port of London to be there Entered in the General Register of all Trading ſhips belonging to Great Britain.

VI. THAT all parts of the United Kingdom for ever from and after the Union ſhall have the same Allowances Encouragements and Drawbacks, and be under the ſame Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Restrictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences ſhall from and after the Union take place throughout the whole United Kingdom, excepting and reserving the Duties upon Export and Import of such particular Commodities from which any persons the Subjects of either Kingdom are specially Liberated and Exempted by their private Rights which after the Union are to remain ſafe and entire to them in all respects as before the same And that from and after the Union no Scots Cattle carried into England ſhall be lyable to any other Duties either on the publick or private Accounts than theſe Duties to which the Cattle of England are or ſhall be lyable within the ſaid Kingdom. And seeing by the Laws of England there are Rewards granted upon the Exportation of certain kinds of Grain wherein Oats grinded or ungrinded are not expreſsed, that from and after the Union when Oats ſhall be ſold at fifteen ſhillings Sterling per quarter or under there ſhall be payed two ſhillings and six pence Sterling for every quarter of the Oat-meal exported in the terms of the Law whereby and so long as Rewards are granted for Exportation of other Grains And that the Bear of Scotland have the ſame Rewards as Barley. And in respect the Importation of Victual into Scotland from any place beyond Sea would prove a Discouragement to Tillage, Therefore that the Prohibition as now in force by the Law of Scotland against Importation of Victual from Ireland or any other place beyond Sea into Scotland, do after the Union remain in the same force as now it is until more proper and effectuall ways be provided by the Parliament of Great Britain for discouraging the Importation of the ſaid Victual from beyond Sea.

VII. THAT all parts of the United Kingdom be for ever from and after the Union lyable to the same Exciſes upon all Exciſeable Liquors excepting only that the thirty four Gallons English Barrel of Beer or Ale amounting to twelve Gallons Scots present measure ſold in Scotland by the Brewer at nine ſhillings six pence Sterling excluding all Duties and Retailed including Duties and the Retailers profit at two pence the Scots pint or eight part of the Scots Gallon, be not after the Union lyable on account of the present Exciſe upon Exciſeable Liquors in England, to any higher Imposition than two ſhillings Sterling upon the forſaid thirty four Gallons English barrel, being twelve gallons the present Scots measure And that the Exciſe ſettled in England on all other Liquors when the Union commences take place throughout the whole United Kingdom.

VIII. THAT from and after the Union all forreign Salt which ſhall be Imported into Scotland ſhall be charged at the Importation there with the same Duties as the like Salt is now charged with being Imported into England and to be levied and ſecured in the same manner. But in regard the Duties of great quantities of forreign Salt Imported may be very heavie on the Merchants Importers; That therefor all forreign Salt imported into Scotland ſhall be Cellared and Locked up under the custody of the Merchant Importer and the Officers imployed for levying the Duties upon Salt And that the Merchant may have what quantities thereof his occasion may require not under a Weigh or fourtie Bushells at a time; Giving ſecurity for the duty of what quantity he receives payable in six Months. But Scotland ſhall for the space of seven Years from the ſaid Union be Exempted from paying in Scotland for Salt made there the Dutie or Exciſe now payable for Salt made in England: But from the Expiration of the ſaid seven years ſhall be sub-

ject and lyable to the same Duties for Salt made in Scotland, as ſhall be then payable for Salt made in England, to be levied and ſecured in the ſame manner and with proportional Drawbacks and Allowances as in England, with this exception that Scotland ſhall after the ſaid ſeven years remain exempted from the Duty of two ſhillings and four pence a Bushell on home Salt Imposed by ane Act made in England in the Ninth and Tenth of King William the Third of England And if the Parliament of Great Britain ſhall at or before the expiring of the ſaid ſeven years substitute any other fund in place of the ſaid two ſhillings and four pence of Exciſe on the bushel of Home Salt, Scotland ſhall after the ſaid ſeven years, bear a proportion of the ſaid Fund, and have an Equivalent in the Terms of this Treaty, And that during the ſaid ſeven years there ſhall be payed in England for all Salt made in Scotland and imported from thence into England the same duties upon the Importation as ſhall be payable for Salt made in England to be levied and ſecured in the same manner as the Duties on forreign Salt are to be levied and ſecured in England. And that after the ſaid ſeven years how long the said Duty of two ſhillings four pence a Bushel upon Salt is continued in England the ſaid two ſhillings four pence a Bushel ſhall be payable for all Salt made in Scotland and imported into England, to be levied and ſecured in the ſame manner And that during the continuance of the Duty of two ſhillings four pence a Bushel upon Salt made in England no Salt whatſoever be brought from Scotland to England by Land in any manner under the penalty of forfeiting the Salt and the Cattle and Carriages made uſe of in bringing the ſame and paying twenty ſhillings for every Bushel of such Salt, and proportionably for a greater or leſser quantity, for which the Carrier as well as the Owner ſhall be lyable jointly and ſeverally, And the perſons bringing or carrying the same, to be imprisoned by any one Juſtice of the Peace by the space of six months without Bail, and until the penalty be payed: And for Eſtabliſhing an equality in Trade That all Fleshes exported from Scotland to England and put on Board in Scotland to be Exported to parts beyond the Seas and provisions for ships in Scotland and for forreign voyages may be salted with Scots Salt paying the same Dutie for what Salt is so employed as the like quantity of such Salt pays in England and under the same penalties forfeitures and provisions for preventing of frauds as are mentioned in the Laws of England And that from and after the Union the Laws and Acts of Parliament in Scotland for Pineing Curing and Packing of Herrings White Fiſh and Salmond for Exportation with Forreign Salt only without any mixture of British or Irish Salt and for preventing of frauds in Curing and Packing of Fish be continued in force in Scotland subject to such alterations as ſhall be made by the Parliament of Great Britain And that all Fish exported from Scotland to parts beyond the Seas which ſhall be Cured with Forreign Salt only and without mixture of British or Irish Salt, ſhall have the same Eases Præmiums and Drawbacks as are or ſhall be allowed to such persons as Export the like Fish from England: And that for Encouragement of the Herring Fishing there ſhall be allowed and payed to the Subjects Inhabitants of Great Britain during the present allowances for other Fishes ten ſhillings five pence Sterling for every Barrel of White Herrings which ſhall be exported from Scotland; And that there ſhall be allowed five ſhillings Sterling for every Barrel of Beef or Pork salted with Forreign Salt without mixture of British or Irish Salt and Exported for sale from Scotland to parts beyond Sea alterable by the Parliament of Great Britain. And if any matters of fraud relating to the ſaid Duties on Salt ſhall hereafter appear which are not ſufficiently provided against by this Article the same ſhall be subject to such further provisions as ſhall be thought fit by the Parliament of Great Britain.

IX. THAT whenever the sum of One million, nine hundred ninety ſeven thouſand, ſeven hundred and sixty three pounds, eight ſhillings and four pence half penny ſhall be Enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called England, on Land and other things usually charged in Acts of Parliament there for granting an aid to the Crown by a Land Tax; that part of the United Kingdom now called Scotland ſhall be charged by the same Act with a further sum of fourty eight thousand pounds free of all Charges, as the Quota of Scotland to such Tax, and ſo proportionably for any greater or leſser sum raised in England by any Tax on Land and other things usually charged, together with the Land. And that such Quota for Scotland in the caſes aforeſaid, be raised and collected in the same manner as the Ceſs now is in Scotland, but subject to such Regulations in the manner of Collecting, as ſhall be made by the Parliament of Great Britain.

X. THAT during the continuance of the respective Duties on Stampt paper, Vellom and Parchment, by the ſeverall Acts now in force in England, Scotland ſhall not be charged with the same respective Duties.

XI. THAT during the continuance of the Duties payable in England on Windows and Lights which determines on the first day of August One thouſand ſeven hundred and ten Scotland ſhall not be charged with the same Duties.

XII. THAT during the continuance of the Duties payable in England on Coals, Culm and Cinders, which determines the thirtieth day of September One thousand ſeven hundred and ten Scotland ſhall not be charged therewith for Coals Culm and Cinders consumed there but ſhall be charged with the same Duties as in England for all Coals, Culm and Cinders not consumed in Scotland.

XIII. THAT during the continuance of the Duty payable in England on Malt, which determines the twenty fourth day of June One thouſand ſeven hundred and ſeven, Scotland ſhall not be charged with that Duty.

XIV. THAT the Kingdom of Scotland be not Charged with any other Duties laid on by the Parliament of England before the Union except theſe consented to in this Treaty, in regard it is agreed, That all neceſsary Provision ſhall be made by the Parliament of Scotland for the publick Charge and Service of that Kingdom for the year One thousand ſeven hundred and seven: Provided nevertheleſs That if the Parliament of England ſhall think fit to lay any further Impositions by way of Customs, or such Exciſes, with which by virtue of this Treaty, Scotland is to be charged equally with England, in such caſe Scotland ſhall be lyable to the same Customs and Exciſes, and have an Equivalent to be ſettled by the Parliament of Great Britain; With this further provision That any Malt to be made and consumed in that part of the United Kingdom now called Scotland ſhall not be charged with any Imposition upon Malt during this present War And ſeeing it cannot be supposed that the Parliament of Great Britain will ever lay any sorts of Burthens upon the United Kingdom, but what they ſhall find of neceſsity at that time for the Preservation and Good of the whole, and with due regard to the Circumstances and Abilities of every part of the United Kingdom Therefore it is agreed That there be no further Exemption insisted upon for any part of the United Kingdom, but that the conſideration of any Exemptions beyond what are already agreed on in this Treaty, ſhall be left to the determination of the Parliament of Great Britain.

XV. WHEREAS by the Terms of this Treaty the Subjects of Scotland for preserving an Equality of Trade throughout the United Kingdom, will be lyable to ſeverall Customs and Exciſes now payable in England, which will be applicable towards payment of the Debts of England, contracted before the Union; It is agreed, That Scotland ſhall have an Equivalent for what the Subjects thereof ſhall be ſo charged towards payment of the ſaid Debts of England, in all particulars whatsoever, in manner following viz. That before the Union of the ſaid Kingdoms, the sum of three hundred ninety eight thousand and eighty five pounds ten ſhillings be granted to Her Majesty by the Parliament of England for the uſes aftermentioned, being the Equivalent to be answered to Scotland for such parts of the ſaids Customs and Exciſes upon all Exciſeable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the ſaid Debts of England, according to the proportions which the present Customs in Scotland, being thirty thouſand pounds per annum, do bear to the Customs in England, computed at One million three hundred fourty one thouſand five hundred and fifty nine pounds per annum: And which the present Exciſes on Exciſeable Liquors in Scotland, being thirty three thouſand and five hundred pounds per annum, do bear to the Exciſes on Exciſeable Liquors in England, computed at nine hundred fourty ſeven thouſand six hundred and two pounds per annum; Which sum of three hundred ninety eight thouſand eighty five pounds ten ſhillings, ſhall be due and payable from the time of the Union: And in regard That after the Union Scotland becoming lyable to the ſame Customs and Duties payable on Import and Export, and to the same Exciſes on all Exciſeable Liquors as in England as well upon that account as upon the account of the Increaſe of Trade and People (which will be the happy consequence of the Union) the ſaid Revenues will much improve beyond the before mentioned annual values thereof, of which no present Estimate can be made, Yet nevertheleſs for the reasons aforeſaid there ought to be a proportionable Equivalent answered to Scotland It is agreed That after the Union there ſhall be an Accompt kept of the ſaid Duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an Equivalent for such proportion of the ſaid encreaſe as ſhall be applicable to the payment of the Debts of England. And for the further and more effectuall answering the severall ends hereafter mentioned It is agreed that from and after the Union, the whole Encreaſe of the Revenues of Customs, and Duties on Import and Export, and Exciſe upon Exciſeable Liquors in Scotland over and above the annual produce of the ſaid respective Duties, as above stated, ſhall go and be applied, for the term of ſeven years, to the uſes hereafter mentioned; And that upon the ſaid account, there ſhall be answered to Scotland annually from the end of ſeven years after the Union, an Equivalent in proportion to such part of the ſaid Increaſe as ſhall be applicable to the Debts of England. And generally that an Equivalent ſhall be answered to Scotland for such parts of the English Debts as Scotland may hereafter become lyable to pay by reason of the Union, other than such for which appropriations have been made by Parliament in

England of the Customs, or other duties on Export and Import Exciſes on all Exciſeable Liquors, in respect of which Debts, Equivalents are herein before provided. And as for the uſes to which the ſaid sum of Three hundred ninety eight thouſand eighty five pounds ten ſhillings to be granted as aforeſaid and all other monies, which are to be anſwered or allowed to Scotland as said is are to be applied It is agreed That in the firſt place out of the foreſaid sum what consideration ſhall be found neceſsary to be had for any Loſses which privat persons may sustain by reducing the Coin of Scotland to the Standard and Value of the Coin of England may be made good In the next place That the Capital Stock or fund of the African and Indian Company of Scotland advanced together with the Interest for the ſaid Capital Stock after the rate of Five per Cent. per annum from the respective times of the payment thereof shall be payed; Upon payment of which Capital Stock and Interest It is agreed The ſaid Company be diſsolved and cease And alſo that from the time of paſsing the Act of Parliament in England for raiſing the ſaid sum of three hundred ninety eight thouſand eighty five pound ten ſhillings the ſaid Company ſhall neither Trade nor Grant Licence to Trade Providing that if the ſaid Stock and Interest shall not be payed in twelve months after the Commencement of the Union That then the said Company may from thence forward Trade or give Licence to Trade until the ſaid hail Capitall Stock and Interest ſhall be payed: And as to the Overplus of the said sum of three hundred ninety eight thouſand eighty five pound ten ſhillings after payment of what consideration ſhall be had for loſses in repairing the Coin and paying the ſaid Capital Stock and Interest, and also the hail increaſe of the ſaid Revenues of Customs Duties and Exciſes above the present value which ſhall ariſe in Scotland during the ſaid term of seven years together with the Equivalent which ſhall become due upon the Improvement thereof in Scotland after the ſaid term and alſo as to all other sums which according to the agreements aforeſaid may become payable to Scotland by way of Equivalent for what that Kingdom ſhall hereafter become lyable towards payment of the Debt of England It is agreed That the samen be applied in manner following viz. That all the publick Debts of the Kingdom of Scotland as ſhall be adjusted by this present Parliament ſhall be payed and that two thouſand pounds per annum for the space of seven years ſhall be applied towards Encouraging and Promoting the Manufacture of coarſe Wool within theſe ſhires which produce the Wool And that the first two thouſand pounds Sterling be payed at Martinmaſs next, and so yearly at Martinmaſs during the space foreſaid and afterwards the same ſhall be wholly applied towards the Encouraging and Promoting the Fisheries and such other Manufactures and Improvements in Scotland as may most conduce to the general Good of the United Kingdom. And it is agreed, That Her Majesty be Impowered to appoint Commiſsioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid sum of three hundred ninety eight thousand eighty five pounds ten ſhillings, and all other monies which ſhall ariſe to Scotland, upon the agreements aforesaid to the purpoſes before mentioned: Which Commiſsioners ſhall be Impowered to call for, Receive and Dispoſe of the ſaid monies in manner aforesaid, and to Inspect the books of the severall Collectors of the ſaid Revenues, and of all other duties from whence an Equivalent may ariſe; and that the Collectors and Managers of the ſaid Revenues and Duties be obliged to give to the ſaid Commiſsioners subscribed authentick Abbreviats of the Produce of such Revenues and Duties ariſing in their respective Districts, and that the ſaid Commiſsioners ſhall have their office within the Limits of Scotland, and ſhall in such Office keep Books containing Accompts of the Amount of the Equivalents, and how the same ſhall have been dispoſed of from time to time, which may be inspected by any of the Subjects who ſhall desire the ſamen.

XVI. THAT from and after the Union the Coin ſhall be of the ſame standard and value, throughout the United Kingdom, as now in England, And a Mint ſhall be continued in Scotland under the same Rules as the Mint in England And the present Officers of the Mint continued subject to such Regulations and Alterations as Her Majesty Her Heirs or Succeſsors, or the Parliament of Great Britain ſhall think fit.

XVII. THAT from and after the Union the same Weights and Meaſures ſhall be uſed throughout the United Kingdom, as are now Established in England; And Standards of Weights and Measures ſhall be kept by thoſe Burroughs in Scotland, to whom the keeping the Standards of Weights and Measures now in uſe there does of speciall Right belong; All which Standards ſhall be ſent down to ſuch respective Burroughs from the Standards kept in the Exchequer at Westminster, subject nevertheleſs to ſuch Regulations as the Parliament of Great Britain ſhall think fit.

XVIII. THAT the Laws concerning Regulation of Trade, Customs, and such Exciſes, to which Scotland is by virtue of this Treaty to be lyable, be the ſame in Scotland, from and after the Union as in England; and that all other Laws, in uſe within the Kingdom of Scotland do after the Union, and notwithstanding thereof, remain in the same force as before (except ſuch as are contrary to or inconſiſtent with this Treaty) but alterable

by the Parliament of Great Britain, With this difference betwixt the Laws concerning publick Right, Policy, and Civil Government, and thoſe which concern private Right; That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom; but that no alteration be made in Laws which concern private Right, except for evident utility of the subjects within Scotland.

XIX. THAT the Court of Seſsion or Colledge of Juſtice, do after the Union and notwithstanding thereof, remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the Union; subject nevertheleſs to such Regulations for the better Administration of Juſtice as ſhall be made by the Parliament of Great Britain; And that hereafter none ſhall be named by Her Majesty or Her Royal Succeſsors to be Ordinary Lords of Seſsion but ſuch who have ſerved in the Colledge of Juſtice as Advocats or Principal Clerks of Seſsion for the space of five years, or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Seſsion unleſs he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the ſaid Office two years before he be named to be a Lord of the Seſsion, yet ſo as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Seſsion may be altered by the Parliament of Great Britain. And that the Court of Juſticiary do also after the Union, and notwithstanding thereof remain in all time coming within Scotland, as it is now constituted by the Laws of that Kingdom, and with the ſame Authority and Priviledges as before the Union; subject nevertheleſs to such Regulations as ſhall be made by the Parliament of Great Britain, and without prejudice of other Rights of Juſticiary: And that all Admiralty Jurisdictions be under the Lord High Admirall or Commiſsioners for the Admiralty of Great Britain for the time being; And that the Court of Admiralty now Established in Scotland be continued, And that all Reviews, Reductions or Suspensions of the Sentences in Maritime Caſes competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain ſhall make ſuch Regulations and Alterations, as ſhall be judged expedient for the whole United Kingdom, ſo as there be alwayes continued in Scotland a Court of Admiralty such as in England, for determination of all Maritime Caſes relating to private Rights in Scotland competent to the Jurisdiction of the Admiralty Court; subject nevertheleſs to such Regulations and Alterations as ſhall be thought proper to be made by the Parliament of Great Britain; And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property, subject nevertheleſs, as to the manner of Exerciſing such Heritable Rights to such Regulations and Alterations as ſhall be thought proper to be made by the Parliament of Great Britain; And that all other Courts now in being within the Kingdom of Scotland do remain, but subject to Alterations by the Parliament of Great Britain; And that all Inferior Courts within the ſaid Limits do remain subordinate, as they are now to the Supream Courts of Juſtice within the same in all time coming; And that no Cauſes in Scotland be cognoſcible by the Courts of Chancery, Queens-Bench, Common-Pleas, or any other Court in Weſtminſter-hall; And that the ſaid Courts, or any other of the like nature after the Union, shall have no power to Cognoſce, Review or Alter the Acts or Sentences of the Judicatures within Scotland, or stop the Execution of the same; And that there be a Court of Exchequer in Scotland after the Union, for deciding Questions concerning the Revenues of Customs and Exciſes there, having the same power and authority in such caſes, as the Court of Exchequer has in England And that the ſaid Court of Exchequer in Scotland have power of paſsing Signatures, Gifts Tutorics, and in other things as the Court of Exchequer at present in Scotland hath; And that the Court of Exchequer that now is in Scotland do remain, until a New Court of Exchequer be ſettled by the Parliament of Great Britain in Scotland after the Union; And that after the Union the Queens Majesty and Her Royal Succeſsors, may Continue a Privy Council in Scotland, for preserving of public Peace and Order, until the Parliament of Great Britain ſhall think fit to alter it or establish any other effectual method for that end.

XX. THAT all heritable Offices, Superiorities, heritable Jurisdictions, Offices for life, and Jurisdictions for life, be reserved to the Owners thereof, as Rights of Property, in the same manner as they are now enjoyed by the Laws of Scotland, notwithstanding of this Treaty.

XXI. THAT the Rights and Privileges of the Royall Burroughs in Scotland as they now are, Do Remain entire after the Union, and notwithstanding thereof.

XXII. THAT by virtue of this Treaty, Of the Peers of Scotland at the time of the Union Sixteen ſhall be the number to Sit and Vote in the Houſe of Lords, and Forty five the number of the Representatives of Scotland in the Houſe of Commons of the Parliament of Great Britain; And that when Her Majesty Her Heirs or Succeſsors, ſhall Declare Her or their pleaſure for

holding the first or any subsequent Parliament of Great Britain until the Parliament of Great Britain ſhall make further provision therein, A Writ do iſsue under the Great Seal of the United Kingdom, Directed to the Privy Council of Scotland, Commanding them to Cauſe Sixteen Peers, who are to sit in the Houſe of Lords to be Summoned to Parliament and forty five Members to be Elected to sit in the Houſe of Commons of the Parliament of Great Britain according to the Agreement in this Treaty, in such manner as by a subsequent Act of this present Seſsion of the Parliament of Scotland ſhall be ſettled; Which Act is hereby Declared to be as valid as if it were a part of and ingroſsed in this Treaty: And that the Names of the Persons so Summoned and Elected, ſhall be Returned by the Privy Council of Scotland into the Court from whence the ſaid Writ did iſsue. And that if her Majesty, on or before the first day of May next, on which day the Union is to take place ſhall Declare under the Great Seal of England, That it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England ſhould be the Members of the respective Houſes of the first Parliament of Great Britain for and on the part of England, then the ſaid Lords of Parliament of England, and Commons of the present Parliament of England, ſhall be the members of the respective Houſes of the first Parliament of Great Britain, for and on the part of England: And Her Majesty may by Her Royal Proclamation under the Great Seal of Great Britain, appoint the ſaid first Parliament of Great Britain to Meet at such time and place as Her Majesty ſhall think fit; which time ſhall not be leſs than fifty days after the date of such Proclamation; And the time and place of the Meeting of such Parliament being so appointed, a Writ ſhall be immediately iſsued under the Great Seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the Sixteen Peers, and for Electing forty five Members, by whom Scotland is to be Repreſented in the Parliament of Great Britain: And the Lords of Parliament of England, and the Sixteen Peers of Scotland, such Sixteen Peers being Summoned and Returned in the manner agreed in this Treaty; and the Members of the Houſe of Commons of the ſaid Parliament of England and the forty five Members for Scotland, such forty five Members being Elected and Returned in the manner agreed in this Treaty ſhall aſsemble and meet respectively in their respective houſes of the Parliament of Great Britain, at such time and place as ſhall be ſo appointed by Her Majesty, and ſhall be the Two houſes of the first Parliament of Great Britain, And that Parliament may Continue for such time only as the present Parliament of England might have Continued, if the Union of the Two Kingdoms had not been made, unleſs ſooner Diſsolved by Her Majesty; And that every one of the Lords of Parliament of Great Britain, and every member of the Houſe of Commons of the Parliament of Great Britain in the first and all succeeding Parliaments of Great Britain until the Parliament of Great Britain ſhall otherwayes Direct, ſhall take the respective Oaths, appointed to be taken in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary entituled An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, and Make Subscribe and audibly Repeat the Declaration mentioned in an Act of Parliament made in England in the thirtieth year of the Reign of King Charles the Second entituled An Act for the more effectual preserving the Kings Person and Government by Disabling Papists from sitting in either Houſe of Parliament, and ſhall take and subscribe the Oath mentioned in an Act of Parliament made in England, in the first year of Her Majesties Reign entituled An Act to Declare the Alterations in the Oath appointed to be taken by the Act Entituled An Act for the further ſecurity of His Majesties Person, and the Succeſsion of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other pretenders and their open and ſecret Abettors, and for Declaring the Aſsociation to be determined, at such time, and in such manner as the Members of both Houſes of Parliament of England are by the said respective Acts, directed to take, make and subscribe the same upon the penalties and disabilities in the said respective Acts contained. And it is Declared and Agreed That theſe words This Realm, The Crown of this Realm, and the Queen of this Realm, mentioned in the Oaths and Declaration contained in the aforsaid Acts, which were intended to signify the Crown and Realm of England, ſhall be understood of the Crown and Realm of Great Britain, And that in that ſenſe, the ſaid Oaths and Declaration be taken and subscribed by the members of both Houſes of the Parliament of Great Britain.

XXIII. THAT the foresaid Sixteen Peers of Scotland, mentioned in the last preceding Article, to sit in the Houſe of Lords of the Parliament of Great Britain, ſhall have all Priviledges of Parliament which the Peers of England now have, and which They or any Peers of Great Britain ſhall have after the Union, and particularly the Right of sitting upon the tryals of Peers: And in caſe of the tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said Sixteen Peers ſhall be ſummoned in the same manner, and have the same powers and priviledges at such tryal, as any other Peers of Great Britain; And that in caſe any tryals of Peers ſhall hereafter happen

when there is no Parliament in being, the Sixteen Peers of Scotland who ſate in the last preceeding Parliament, ſhall be ſummoned in the same manner and have the same powers and privileges at such tryals as any other Peers of Great Britain; and that all Peers of Scotland, and their ſucceſsors to their Honours and Dignities, ſhall from and after the Union be Peers of Great Britain, and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union, and before all Peers of Great Britain of the like orders and degrees, who may be Created after the Union, and ſhall be tryed as Peers of Great Britain, and ſhall Enjoy all Privileges of Peers, as fully as the Peers of England do now, or as they, or any other Peers of Great Britain may hereafter Enjoy the same except the Right and Privilege of sitting in the Houſe of Lords and the Privileges depending thereon, and particularly the Right of sitting upon the tryals of Peers.

XXIV. THAT from and after the Union, there be One Great Seal for the United Kingdom of Great Britain, which ſhall be different from the Great Seal now uſed in either Kingdom; And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty: And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom be uſed for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States, and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom, and in all other matters relating to England, as the Great Seal of England is now uſed, and that a Seal in Scotland after the Union be alwayes kept and made uſe of in all things relating to private Rights or Grants, which have uſually paſsed the Great Seal of Scotland, and which only concern Offices, Grants, Commiſsions, and private Rights within that Kingdom, And that until such Seal ſhall be appointed by Her Majesty the present Great Seal of Scotland ſhall be uſed for such purpoſes; and that the Privy Seal, Signet, Caſset, Signet of the Justiciary Court, Quarter Seal, and Seals of Courts now uſed in Scotland be Continued, but that the ſaid Seals be altered and adapted to the state of the Union as Her Majesty ſhall think fit; And the ſaid Seals, and all of them, and the Keepers of them, ſhall be subject to such Regulations as the Parliament of Great Britain ſhall hereafter make: And that the Crown, Scepter and Sword of State, the Records of Parliament, and all other Records, Rolls and Registers whatsoever, both publick and private generall and particular, and Warrands thereof Continue to be keeped as they are within that part of the United Kingdom now called Scotland, and that they ſhall ſo remain in all time coming notwithstanding of the Union.

XXV. THAT all Laws and Statutes in either Kingdom ſo far as they are contrary to, or inconſistent with the Terms of theſe Articles, or any of them, ſhall from and after the Union ceaſe and become void, and ſhall be ſo declared to be by the respective Parliaments of the ſaid Kingdoms.

FOLLOWS the Tenor of the foresaid Act for ſecuring the Protestant Religion and Presbyterian Church Government

OUR SOVERAIGN LADY and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commiſsioners for that Treaty ſhould not Treat of or concerning any alteration of the Worſhip Discipline and Government of the Church of this Kingdom as now by Law established, Which Treaty being now reported to the Parliament, and it being reasonable and neceſsary that the True Protestant Religion, as presently profeſsed within this Kingdom with the Worſhip Discipline and Government of this Church ſhould be effectually and unalterably ſecured; Therefore Her Majesty with advice and consent of the ſaid Estates of Parliament Doth hereby Establish and Confirm the ſaid True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more eſpecially Her Majesty with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confeſsion of Faith and ſettling Presbyterian Church Government, with the haill other Acts of Parliament relating thereto in proſecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of Aprile One thousand six hundred and eighty nine And Her Majesty with advice and consent foresaid expreſsly Provides and Declares That the foresaid True Protestant Religion contained in the abovementioned Confeſsion of Faith with the form and purity of Worship presently in uſe within this Church and its Presbyterian Church Government and Discipline, that is to say, the Government of the Church by Kirk Seſsions, Presbytries, Provincial Synods and Generall Aſsemblies, all established by the forsaid Acts of Parliament purſuant to the Claim of Right ſhall Remain and Continue unalterable, and that the ſaid Preſbyterian Government ſhall be the only Government of the Church

within the Kingdom of Scotland And further for the greater ſecurity of the foreſaid Protestant Religion and of the Worſhip Discipline and Government of this Church as above established Her Majesty with advice and conſent foreſaid Statutes and Ordains That the Univerſities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law ſhall Continue within this Kingdom for ever And that in all time coming no Profeſsors, Principalls, Regents, Masters or others bearing office in any University Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the Exerciſe of their ſaid functions but ſuch as ſhall own and acknowledge the Civill Government in manner preſcribed or to be preſcribed by the Acts of Parliament As also that before or at their Admiſsions they do and ſhall acknowledge and profeſs and shall subscribe to the foresaid Confeſsion of Faith as the Confeſsion of their faith, and that they will practiſe and conform themselves to the Worſhip presently in uſe in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subverſion of the same, and that before the respective Presbytries of their bounds by whatsoever gift presentation or proviſion they may be thereto provided And further Her Majesty with advice foreſaid expreſsly Declares and Statutes that none of the Subjects of this Kingdom ſhall be lyable to, but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconſiſtent with the foreſaid True Protestant Religion and Presbyterian Church Government Worſhip and Discipline as above established: And that the same within the bounds of this Church and Kingdom ſhall never be imposed upon or required of them in any sort And Lastly that after the Deceaſe of Her present Majesty (whom God long preserve) the Soveraign succeeding to her in the Royal Government of the Kingdom of Great Britain ſhall in all time coming at his or her acceſsion to the Crown Swear and Subscribe That they ſhall inviolably maintain and preserve the foresaid settlement of the True Protestant Religion with the Government Worſhip Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in proſecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained ſhall be held and observed in all time coming as a fundamentall and eſsentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any ſort for ever As also that this Act of Parliament and Settlement therein contained ſhall be Insert and Repeated in any Act of Parliament that ſhall paſs for agreeing and concluding the foresaid Treaty or Union betwixt the Two Kingdoms And that the same ſhall be therein expreſsly Declared to be a fundamentall and eſsentiall Condition of the ſaid Treaty or Union in all time coming.

WHICH ARTICLES OF UNION and Act immediately abovewritten Her Majesty with advice and consent foresaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall foundation of ane compleat and intire Union of the Two Kingdoms of Scotland and England under this expreſs Condition and Proviſion That the Approbation and Ratification of the foresaids Articles and Act ſhall be nowayes binding on this Kingdom untill the ſaid Articles and Act be Ratified Approven and Confirmed by her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majestie with and by the Authority of the Parliament of Scotland Declaring nevertheleſs that the Parliament of England may provide for the ſecurity of the Church of England as they think expedient to take place within the bounds of the ſaid Kingdom of England and not Derogating from the ſecurity above provided for Eſtablishing of the Church of Scotland within the bounds of this Kingdom As alſo the ſaid Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which ſhall not Suspend or Derogate from the force and effect of this present Ratification But ſhall be understood as herein included without the neceſsity of any new Ratification in the Parliament of Scotland And Lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom ſo far as they are contrary to or inconsistent with the terms of theſe Articles as abovementioned ſhall from and after the Union ceaſe and become void.

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY XX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Anent the Petition of the General Aſsembly]

UPON reading of the Minuts It was moved to inſert therein the petitory part of the representation & petition of the Commiſsion of the Generall Aſsembly of the Church of Scotland mentioned in the ſaid minuts And after debate thereon the vote was stated insert the petitory part of the ſaid representation and petition Yea or Not.

AND after furder debate the Duke of Hamilton made a motion for a ſtate of a vote wherein the petitory part of the ſaid petition was repeated But that ſtate of the vote being Reclaimed against as yielding the question The Duke of Hamilton protested That he having made a motion and being seconded it was against the rule of Parliament to refuse a vote and to inſert his motion in the minuts.

THEN the vote was put Inſert the petitory part of the above repreſentation & petition in the minuts Yea or Not and it carried Not.

[Anent electing the Representatives for Scotland]

THEREAFTER it was moved That conform to the minuts of the fifteenth of January instant the Parliament proceed to conſider the manner of electing the Repreſentatives for Scotland to the Parliament of Great Britain Whereupon a Resolve was given in and read in these terms.

"RESOLVED that the Sixteen Peers and Fourty five Commiſsioners for ſhyres & burghs who are to be the members to the first Parliament of Great Britain for and on the part of Scotland be choſen out of this present Parliament and that the members so chosen be the members of the first Parliament of Great Britain if Her Majestie ſhall Declare on or before the first of May next That it is expedient that the Lords and Commons of the present Parliament of England be the members of the first Parliament of Great Britain for and on the part of England."

AND after reasoning thereon the furder debate was Adjourned till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Earle of Stair ſwore the oath of alledgeance ſubſcribed the ſame with the aſsurance and took the oath of Parliament.

[Electing the Representatives for Scotland]

THEN the Resolve inſert in the former dayes Minuts anent Choiſeing the Repreſentatives for Scotland to the first Parliament of Great Britain was again read.

AND after reaſoning thereon an Overture was given in for eſtabliſhing a certain way for electing the Repreſentatives of Scotland to the Parliament of Great Britain in all tyme coming in the terms of the Treaty of Union which was read And thereafter another Overture was offered for an Act for choiſeing the Sixty one Members to repreſent Scotland in the Parliament of Great Britain As alſo a Reſolve was given in and read That previous to all other buſsines the Parliament proceed to determine the manner of electing the Repreſentatives for Scotland to the Parliament of Great Britain and to determine the number and quota of Barrons and Burghs.

AND after debate The vote was ſtated Approve the Reſolve inſert in the former dayes Minuts Yea or Not.

[Protest, Duke of Hamilton]

BUT before voteing the Duke of Hamilton gave in a Proteſtation in theſe terms "I James Duke of Hamilton &c. Doe hereby protest for my ſelf and in name of all thoſe who ſhall adhere to this my protestation against the electing by this preſent Parliament the ſixteen Peers and fourty five Barrons and Burrows who are to repreſent Scotland in the first Parliament of Great Britain as inconſistent with the whole tenor of the twenty ſecond article of the Treaty of Union and contrary to the expreſs words thereof Whereby it is provided that after the tyme and place of the meeting of the ſaid Parliament is appointed by Her Majesties proclamation which tyme ſhall not be leſs than fyfty dayes after the proclamation a writ ſhall be immediatly Iſsued under the Great Seal of Great Britain directed to the Privy Council of Scotland for summonding the ſixteen Peers and for electing fourty five members by whom Scotland is to be repreſented in the Parliament of Great Britain And further as utterly ſubverſive of the Right of election competent to the Barrons and Burrows of this Kingdom And deſires this my protestation may be inſert in the Minuts and Records of Parliament And thereupon takes inſtruments."

[Protest, Mr William Cochran]

AND Mr William Cochran of Kilmaronock gave in a Protestation in theſe terms "I Mr Wm Cochran of Kilmaronock Doe protest in my own name and in name of all thoſe that ſhall Adhere to this my proteſtation That the electing of members to repreſent this part of the United Kingdom in the Parliament of Great Britain out of this preſent Parliament, by the members of this Houſe is contrary to, and inconſistent with the Birthright and Priviledges of the Barrons & Burrows of Scotland, that it is contrary to the principles of common Law and diverſe Acts of Parliament and directly oppoſite and contradictory to the expreſs words and meaning of two ſeverall paragraphs of the twenty two article of the Treaty of Union betwixt Scotland and England ſo lately Ratified in this Houſe And I deſire this my protestation may be inſert in the Minuts and recorded in the Books of Parliament upon which I take inſtruments."

AND after reading of the above protestations each of the ſaid protesters took Inſtruments upon their respective protestations and adhered to the protestation given in by the other And it was agreed that the members votes be marked and that the List of their names as they vote be printed and recorded And that at the calling the Rolls the adherers to the above protests be alſo marked.

[List of Voters] THEN the vote was put Approve the above Reſolve inſert in the former dayes Minuts or Not And it carried Approve. And the List of the Members names as they voted Approve of the ſaid Reſolve or Not is as follows.

APPROVERS

Of the Nobility

M: Montroſe P. S. C.
D: Argyll
M: Tweedale
Lothian
E: Marr Sec:
Crawfurd
Sutherland
Rothes
Mortoun
Roxburgh
Haddingtoun
Wemys
Dalhouſie
Findlater
Northeſk
Belcarras
Forfar
Kintoir
Dunmore
Marchmount
Hyndford
Stair
Hopetoun
Ilay
Lo: Forbes
Elphinſtoun
Roſs
Torphichen
Fraſer
Banff
Duffus
Rollo
Lo: Register
Lo: Juſtice Clk.

Of the Barrons

Sr Ro: Dickſon of Inveraſk
John Cockburn younger of Ormiſtoun
Sr John Swintoun of that Ilk
Sr Alexr Campbell of Ceſsnock
Sr Wm Kerr of Greenhead
Ard Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr John Pringle of Haining
Wm Moriſon of Preſtongrange
George Baillie of Jerviswood
Sr John Johnstoun of Westerhall
Mr Francis Montgomery of Giffan
Mr Wm Dalrymple of Glenmuir
Sr Robert Pollock of that Ilk
Mr John Montgomery of Wrae
John Halden of Glenagies
Mongo Graham of Gorthie
Wm Seton younger of Pitmedden
Alexr Grant younger of that Ilk
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr Wm Anſtruther of that Ilk
James Halyburton of Piteur
Alexr Dowglaſs of Eagliſhaw
John Bruce of Kinroſs

Of the Burrows

Sr Pat. Johnſtoun
John Scrimſour
Lieut Colt Jon Areſkine
John Mure
Sr Jon Areſkine
James Spitle
Mr Pat. Moncrieff
Sr Andrew Home
Sr Pet. Halket
Sr James Smollet
Mr Wm Carmichell
Mr Wm Sutherland
Sr David Dalrymple
Sr Alexr Ogilvie
Sr Hugh Dalrymple
Mr Pat. Ogilvie
George Allardyce
Wm Alvis
Mr James Bethun
John Urquhart
Daniell Campbell
Mr Ro: Dowglaſs
Mr George Dalrymple
Mr Charles Campbell

NOES

Of the Nobility

D: Hamilton
E: Erroll
Mariſchall
Buchan
Eglingtoun
Galloway
Kilmarnock
V: Stormonth
Kilſyth

Lo: Saltoun
Sempill
Balmerino
Blantyre
Cranſtoun
Bargany
Beilhaven
Colvill

Of the Barrons

Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirletoun
Sr Ro^t Sinclair of Longformacus
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Baillie of Lamingtoun
John Sinclair younger of Stevinſon
John Brisbane younger of Biſhoptoun
Mr Wm Cochrane of Kilmaronock
Sr Humphray Colquhoun of Luſs
Sr John Houſtoun of that Ilk
John Graham of Killairn
Robert Rollo of Powhouſe
Thomas Sharp of Houſtoun
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
John Forbes of Colloden
Sr Kenneth McKenzie
Mr Æneas McLeod of Cadboll
Mr Thomas Hope of Rankeillor
David Graham younger of Fintrie
Alex^r Abercrombie of Glaſsoch
Wm Maxwell of Cardines
Alex^r McKye of Palgown
James Sinclair of Stempſter
M^r Ja. Dunbar younger of Hemprigs
Sr Hary Innes younger of that Ilk
Mr Alex^r Abercrombie of Tillibody
Mr George McKenzie of Inchcoulter

Of the Burrows

Robert Inglis
Walter Stewart
Hugh Montgomery
Alex^r Edgar
James Scott
S^r Jo^n Anſtruther
Francis Moliſon
Wm Coltran
Ro^t Scott
John Hutcheſon
Ar^d Scheills
Capt. Dan. McLeod
Mr John Lyon
Mr Dougall Stewart
George Brodie
Mr John Carruthers
Mr Rod. McKenzie
Mr Ro^t Fraſer

AND the Earle of Erroll the Earle Mariſchall the Earle of Buchan the Earle of Eglingtoun and the Earle of Galloway, the Viscount of Kilſyth, the Lord Sempill the Lord Balmerino the Lord Blantyre the Lord Bargany the Lord Beilhaven and the Lord Colvill Sr John Lawder of Fountainhall Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus John Brisbane younger of Biſhoptoun Sir Humphray Colquhoun of Luſs John Graham of Killairn Robert Rollo of Powhouſe Thomas Sharp of Houſtoun Sr Thomas Burnet of Leyes, Sr David Ramſay of Balmain John Forbes of Collodden Mr Thomas Hope of Rankeillor David Graham younger of Fintrie Alexander McKye of Palgown James Sinclair of Stempster Mr James Dunbarr younger of Hemprigs Sr Henry Innes younger of that Ilk Mr George McKenzie of Inchcoulter Alexander Edgar James Scott Francis Moliſon Robert Scott John Hutcheſone Archibald Scheilds Mr John Lyon, George Brodie and Mr John Carruthers adhered to both the above two protestations.

THEREAFTER an Overture given in and read for appointing the manner of electing the Peers of Scotland to the Parliament of Great Britain to be by dividing the Peerage into four ſeverall Claſses out of which they are to be choſen with ſome regaird to the ſeverall Ranks of Peers in manner mentioned in the ſaid overture. [Anent electing the Peers of Scotland]

AND after reaſoning thereon the furder debate was Adjourned till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

WARRAND granted for citeing the Creditors of John Davie Brewar in Pleaſants in order to his obtaining protection. [John Davie Brewar]

THEREAFTER the three ſeverall Overtures and Resolve mentioned in the former dayes Minuts relateing to the way of electing the Repreſentatives for Scotland, to the Parliament of Great Britain was again read. [Anent electing the Representatives for Scotland]

AND after reaſoning thereon the vote was put Whither the Sixteen Peers who are to be repreſentatives for Scotland in the ſaid Parliament ſhall be ſent by Rotation or by Election, And it carried by Election.

THEN it was moved that it be conſidered what way the election ſhall be Whither by Balloting or by an open Election And after debate thereon the vote was put Whether it ſhall be by open Election or by Balloting And it carried by open Election.

THEREAFTER moved to proceed to consider what proportions the Barrons and Burrows ſhall have of the fourty five Members who are to ſit in the Houſe of Commons of Great Britain.

AND after reaſoning thereon the farder debate was adjourned till next Sederunt of Parliament.

THE Committee appointed to meet to morrow at nyne of the clock.

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till Fryday next at ten of the clock.

JANUARY XXIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Anent electing Members for Shires & Burghs]

THEN the debate mentioned in the former dayes Minuts was resumed anent what proportions the Barrons and Burrows ſhall have of the fourty five members that are to ſit in the Houſe of Commons of Great Britain.

AND thereupon a clauſe was offered to be inſert in the Act regulateing the manner of electing the repreſentatives for Scotland in theſe terms "And Her Majestie with advice and conſent foreſaid ſtatutes and ordains that thirty ſhall be the number of the Barrons and fifteen the number of the Burrows to repreſent this part of the United Kingdom in the Houſe of Commons of Great Britain And that no Peer nor the eldest son of any Peer can be chosen to represent either shyre or burgh of this part of the United Kingdome in the said House of Commons".

AND after debate upon the first part of the ſaid clauſe The vote was ſtated If the number ſhall be Thirty for the Barrons and Fifteen for the Burrows Yea or Not.

[Protest, Earl of Cromerty]

BUT before voteing The Earle of Cromarty gave in a protestation in the terms following viz. "I George Earle of Cromerty doe protest that nothing that ſhall be enacted as to the ſhyre of Cromerty their being adjoyned to any other ſhyre as to the method or manner of electing of Commiſsioners to the Parliament of Great Britain ſhall infer any derogation to the priviledges of that ſhyre or to my right as Heretable Sheriff thereof" and took inſtruments thereupon.

THEREAFTER the vote was put If the number ſhall be Thirty for the Barrons and Fifteen for the Burrows Yea or Not and it carried Yea.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY XXVII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent electing Members for Shires & Burghs]

THEN the ſecond part of the overture mentioned in the former dayes minuts was again read in theſe terms "And that no Peer nor the eldest son of any Peer can be choſen to repreſent either ſhyre or burgh of this part of the United Kingdom in the ſaid Houſe of Commons."

AND after debate thereon another clauſe was offered in theſe terms "Declareing alwayes that none ſhall elect nor be elected to repreſent a ſhyre or burgh in the Parliament of Great Britain from this part of the United Kingdome except ſuch as are now capable by the Laws of this Kingdome to elect or be elected as Commiſsioners for ſhyre or burgh to the ſaid Parliament."

AND after furder reaſoning thereon the vote was ſtated Approve of the First clause or of the Second.

BUT before voteing it was agreed that the votes be marked and that a List of the members names as they vote be printed & recorded, And the Lord Chancellor was allowed to have his name printed & recorded amongst thoſe who voted for the ſecond clauſe.

[List of Voters]

THEN the vote was put Approve of the First clauſe or Second and it carried Second And the List of the Members names as they voted First or Second is as follows.

SECOND

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst thoſe who voted Second by ſpeciall order of Parliament
M: Montroſe P. S. C.
D: Hamilton
Argyll
M: Tweedale
Lothian
E: Marr Sec:
Lowdoun Sec;

Crawfurd
Erroll
Mariſchall
Sutherland
Rothes
Mortoun
Buchan
Glencairn
Eglingtoun
Caithnes
Wigtoun
Roxburgh
Haddingtoun
Galloway
Lawderdale
Wemys
Dalhouſsie
Findlater
Leven
Northeſk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmount
Hyndford
Cromarty
Stair
Roseberry
Glasgow The^{r} Dep^{t}
Hopetoun
Ilay
V : Kilſyth
Lo : Forbes
Saltoun
Sempill
Elphinstoun
Oliphant
Roſs
Torphichen
Balmerino
Blantyre
Fraser
Bargany
Banff
Elibank
Beilhaven
Duffus
Rollo
Colvill
Kinnaird
Lo : Regiſter

Of the Barrons

Sr Ro^{t} Dickson of Inverask
Sr James Fowlis of Collingtoun
Wm Moriſone of Prestongrange
Mongo Graham of Gorthie
Alex^{r} Dowglaſs of Eaglisham

Of the Burrows

John Scrimſour
Lieu^{t} Co^{ll} Jo^{n} Areſkine
John Mure
Mr Pat. Moncrieff
Sr And. Home
S^{r} Ja. Smollet
Capt Dan. McLeod
S^{r} Da. Dalrymple
Sr Alex^{r} Ogilvie
Mr Jo^{n} Clerk
John Roſs
Mr Pat. Ogilvie
Geo. Allardyce
Wm Alvis
John Urquhart
Daniell Campbell
Mr Robt Dowglaſs
Mr Alex^{r} Maitland
Mr Geo. Dalrymple
Mr Charles Campbell

FIRST

Of the Nobility

V : Stormont
Lo : Juſtice Clerk

Of the Barrons

Ro^{t} Dundaſs of Arniſtoun
Sr John Lawder of Fountainhall
Andrew Fletcher of Saltoun
Wm Nisbet of Dirletoun
Jo^{n} Cockburn younger of Ormistoun
Sr Ro^{t} Sinclair of Longformacus
Sr Jo^{n} Swintoun of that Ilk
Sr Pat. Home of Rentoun
Sr Wm Kerr of Greenhead
Sr Gilbert Elliot of Minto
Ar^{d} Dowglaſs of Cavers
Wm Bennet of Grubbet
Mr Jo^{n} Pringle of Haining
Wm Baillie of Lamingtoun
George Baillie of Jerviswood
John Sinclair younger of Stevinſone
James Hamilton of Aikenhead
Mr Alex^{r} Ferguſson of Isle
Mr Wm Stewart of Castleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffen
Mr Wm Cochran of Kilmaronock
Sr Humphray Colquhoun of Luſs
Mr Robt Stewart of Tillicultrie
Sr Jo^{n} Houſtoun of that Ilk
Ro^{t} Rollo of Powhouſe
Thomas Sharp of Houstoun
John Halden of Glenagies
Sr Thomas Burnet of Leyes

S[r] David Ramſay of Balmain
W[m] Seton younger of Pitmedden
Alex[r] Grant younger of that Ilk
John Forbes of Colloden
S[r] Ja. Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
S[r] W.[m] Anſtruther of that Ilk
M[r] Tho. Hope of Rankeillor
James Halyburton of Pitcur
Alex[r] Abercrombie of Glaſsoch
W[m] Maxwell of Cardineſs
Alex[r] M[c]Kye of Palgown
Ja. Sinclair of Stempſter
M[r] Ja. Dunbarr younger of Hemprigs
S[r] Henry Innes younger of that Ilk
M[r] Alex[r] Abercrombie of Tillibody
M[r] George M[c]Kenzie of Inchcoulter
John Bruce of Kinroſs

Of the Burrows.

S[r] Pat. Johnstoun
Ro[t] Inglis
Walter Stewart
Hugh Montgomery
Alex[r] Edgar
James Scott
S[r] Jo[n] Anstruther
S[r] Jo[n] Areſkine
James Spitle
W[m] Coltran
S[r] Peter Halket
Robert Kellie
M[r] W[m] Carmichell
Jo[n] Hutcheſone
Ar[d] Scheilds
M[r] Jo[n] Lyon
M[r] Dowgall Stewart
George Brodie
S[r] Dav. Cunninghame
M[r] John Carruthers
George Home
M[r] Rod. M[c]Kenzie
M[r] Ro[t] Fraſer

THEREAFTER moved that the Parliament proceed to conſider in what manner the ſeverall ſhyres of this Kingdome ſhall choiſe the thirty members appointed to repreſent them in the Houſe of Commons of Great Britain. As also in what manner the severall Burrows shall choise the fifteen members appointed to represent them in the said House of Commons.

AND after some discourſe thereon the furder conſideration thereof was delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXVIII, M,DCC,VII.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to conſider in what manner the ſeverall ſhyres of this Kingdome ſhall choiſe the thirty Members appointed to repreſent them in the Houſe of Commons of Great Britain, As alſo in what manner the ſeverall Burrows ſhall choiſe the fifteen Members appointed to repreſent them in the ſaid Houſe of Commons. [Anent Electing Representatives for Scotland]

AND after reaſoning thereon a draught of ane Act was offered settling the manner of electing and ſummonding the ſixteen Peers and fourty five Commoners to repreſent Scotland in the Parliament of Great Britain.

WHICH being read It was moved to proceed to conſider that clauſe of the draught of the Act appointing the ſhyres of Bute & Caithneſs to have only one repreſentative, the ſhyres of Nairn & Cromerty to have only one repreſentative, and the ſhyres of Clackmannan & Kinroſs to have only one repreſentative, to be choſen alternatively, and the haill other ſhyres & ſtewartries of this Kingdome now repreſented in this preſent Parliament each to have one repreſentative in the Parliament of Great Britain.

AND it was alſo moved to remit the ſame to a Committee.

AND after reaſoning on theſe motions the vote was ſtated Approve of the above clauſe of the Act or Commit.

BUT before voteing a protestation was given in in theſe terms " I James Sinclair of Stempſter one of the Commiſsioners for the ſhyre of Caitlines Doe protest for my ſelf and the other Barrons & Freeholders of the ſaid ſhyre that the vote now to be put for approving of the conjunction of the ſaid ſhyre of Caithnes with Bute or any other of the leſser ſhyres, is against our right of being alwayes ſeperatly repreſented in Parliament And that becauſe the rule of reduceing ſhyres is by their valuation and ſix only to be reduced, the ſhyre of Caithnes ought to enjoy its repreſentation as other greater ſhyres And the ſhyre of Sutherland being leſs in valuation than Caithnes ought to be conjoyned with the other leſser five ſhyres" Which being read he took inſtruments thereupon and M[r] James Dunbarr younger of Hemprigs the other Commiſsioner for the ſaid ſhyre of Caithnes adhered thereto. [Protest, James Sinclair of Stempster]

THEN the vote was put Approve of that clauſe of the Act ſettling the manner of electing Repreſentatives for ſhyres or Commit And it carried Approve.

THERAFTER it was moved to proceed to conſider in what manner the Burghs ſhall choiſe their repreſentatives.

AND after debate thereon the furder consideration therof was delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXIX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent electing members for Burghs] THEN the Parliament proceeded to the conſideration of the manner in which the Burghs ſhall elect their Repreſentatives to the Houſe of Commons of Great Britain.

WHEREUPON ſeverall ſchemes being given in and read in relation to the manner of the ſaid election.

AFTER reaſoning thereon and upon the number of the districts that ſhall be appointed for making of the ſaid elections and upon a motion that the Burgh of Edinburgh by it ſelf ſhall have alwayes one repreſentative.

THE vote was ſtated Whither the Burghs ſhall be divided into Three districts or Fifteen, (reserving intire the motion as to the Toun of Edinburgh its having one repreſentative by it ſelf) And it carried Fifteen.

THEN the vote was put If the Burgh of Edinburgh by itſelf ſhall have one Repreſentative or Not And it carried One.

THEREAFTER a ſcheme dividing the Burghs into fifteen districts each of which districts is to have one repreſentative was given in and read and is as follows. The Burghs of Kirkwall, Week, Dornock, Dingwall & Tayne, one. Fortroſe, Inverneſs, Nairn, & Forreſs, one. Elgin, Cullen, Banff, Inverury & Kintoir, one. Aberdeen, Bervie, Montroſe, Aberbrothock & Breichen, one. Forfar, Perth, Dundee, Cowper & St Andrews, one. Craill, Kilrennie, Anſtruther easter, Anſtruther wester, & Pittenweeme, one. Dyſart, Kirkcaldie, Kinghorn & Burntisland, one. Inverkeithen, Dumfermling, Queensferry, Culroſs and Stirling, one. Glasgow, Renfrew, Rutherglen and Dumbartan, one. Edinburgh, one. Haddington, Northberwick, Dunbar, Lawder & Jedburgh, one. Selkirk, Peebles, Linlithgow and Lanerk, one. Dumfreis, Sanquhar, Annan, Lochmebben and Kirkcudbright, one. Wigton, Newgalloway, Stranrawer and Whytehorn, one. And Ayre, Irvine, Rotheſay, Campbelltoun and Inveraray, one.

AND after debate thereupon Whither it ſhould be approven or remitted to the Committee.

THE vote was put Approve the ſcheme or Commit And it carried Approve.

THEN it was moved That the Commiſsioners for the Treaty of Union have their expenſses allowed to them And a debate having ariſen thereupon the furder conſideration thereof delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Fryday next at ten of the clock.

JANUARY XXXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Resolve in favours of the Commiſsioners for the Union] THEN the Parliament proceeded to consider the motion for allowing the Commiſsioners for the Treaty of Union their expenſses and thereupon a reſolve was given in in theſe terms, "That the charge of the Commiſsioners ſent to the Treaty of Union on the part of the Kingdome of Scotland who met at London in purſuance of Her Majesties nomination by authority of Parliament and of the allowance to the Secretary of the ſaid Commiſsion and to the Accomptants appointed by the ſaid Commiſsion, are publick debts and that there be allowed to each Nobleman who attended the ſaid Treaty at London the ſum of Twelve thouſand pounds Scots, And to each other of the Commiſsioners attending the ſum of Six thouſand pounds Scots and to the Secretary of the ſaid Commiſsion the ſum of Four thouſand eight hundred pounds Scots and to each of the three Accomptants named by the ſaid Commiſsion the ſum of Two thouſand four hundred pounds Scots and that the ſaid respective ſums be paid out of the ſum of Three hundred ninety eight thouſand and eighty five pounds ten ſhillings Sterling mentioned in the fifteenth article of the ſaid Treaty of Union ratified in this Parlia-

ment And that the ſaid ſums be ranked and preferred after the ſums payable to the proprietors of the Affrican & Indian Company of Scotland pari paſsu with the first of the publick debts appointed to be paid out of the foreſaid ſum of Three hundred ninety eight thouſand and eighty five pounds ten ſhillings Sterling money."

WHICH being read Upon reaſoning thereon, a motion being made for Reſtricting the quotas of the Treaters expenſes, And ſome objectiones being alſo made against allowing the ſaid expenſes out of the above fund, The vote was ſtated Approve of the Resolve or Alter.

AND before voteing It was agreed that the votes be marked, and that a List of the members names as they vote be printed & recorded.

THEN the vote was put Approve of the Resolve or Alter And it carried Approve. And the List of the Members names as they voted Approve or Alter is as follows.

[List of Voters]

APPROVERS

Of the Nobility.

M: Montroſe P. S. C
D: Argyll
M: Lothian
E: Marr Sec:
Lowdoun Sec:
Crawfurd
Sutherland
Mortoun
Glencairn
Eglintoun
Lawderdale
Findlater
Leven
Northeſk
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmore
Hyndfoord
Stair
Roſeberry
Glaſgow Thes Dept
Ilay
Lo: Forbes
Elphinstoun
Roſs
Torphichen
Blantyre
Fraſer
Banff
Elibank
Duffus
Rollo
Lo: Register

Of the Barrons.

Sr John Swintoun of that Ilk
Sr Pat. Home of Rentoun
Sr Gilbert Elliot of Minto
Wm Bennet of Grubbet
Mr Jon Murray of Bowhill
Wm Moriſon of Preſtongrange
Sr Jon Johnſtoun of Westerhall
Wm Dowglaſs of Dornock
Mr Wm Stewart of Caſtleſtewart
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffan
Sr Robert Pollock of that Ilk
Mr Jon Montgomerie of Wrae
Sr Thomas Burnet of Leyes
Sr David Ramſay of Balmain
Wm Seton younger of Pitmedden
Alexr Grant younger of that Ilk
Mr Æneas M'Leod of Cadboll
Mr John Campbell of Mammore
Sr James Campbell of Auchinbreck
James Campbell younger of Ardkinglaſs
Sr William Anſtruther of that Ilk
Alexr Abercrombie of Glaſsoch
Alexr Dowglaſs of Eaglishaw

Of the Burrows

Sr Pat. Johnſtoun
Rot Inglis
John Scrimſour
Lieut Colh Jon Areſkine
John Mure
James Scott
Mr Pat. Moncrieff
Sr James Smollett
Colin Campbell
Mr Wm Carmichell
Mr Wm Sutherland
Capt Dan. M'Leod
Sr Dav. Dalrymple
Sr Alexr Ogilvie
Mr Jon Clerk
John Roſs
Mr Pat. Ogilvie
George Allardyce
William Alvis
Mr Rod. M'Kenzie
John Urquhart
Daniel Campbell
Sr Robert Forbes
Mr Rot Dowglaſs
Mr Alexr Maitland
Mr George Dalrymple
Mr Charles Campbell

ALTERERS

Of the Nobility.

M : Tweedale
E : Rothes
Roxburgh
Haddingtoun
Marchmount
V : Stormonth
Lo : Justice Clerk

Of the Barrons.

Sr John Lawder of Fountainhall
Wm Nisbet of Dirletoun
Jo^n Cockburn younger of Ormeſtoun
Sr Alex^r Campbell of Ceſsnock
Wm Baillie of Lamingtoun
George Baillie of Jerviswood
James Hamilton of Aikenhead
Sr Humphrey Colquhoun of Luſs
Sr John Houſtoun of that Ilk
Thomas Sharp of Houſtoun
John Halden of Glenagies
Mongo Graham of Gorthie
James Halyburton of Pitcur
John Bruce of Kinroſs

Of the Burrows.

Sr John Anſtruther
James Spitle
Sr Andrew Home
Sir Peter Halket
John Hutcheſone

IT was alſo agreed That the Earle of Ilay (designed in the Commiſsion for the Treaty Lord Archibald Campbell) be allowed his expenſses as a Nobleman.

[Allowance in favours of the Commiſsioners for the Treaty 1702]

THEREAFTER it was moved that the Commiſsioners for the Treaty 1702 have allowance of their expenſses in manner following viz. Each Nobleman five hundred pounds Sterling each Barron three hundred pounds Sterling and each Burrow two hundred pounds Sterling.

AND after debate thereupon The vote was put Grant allowance to the Commiſsioners for the Treaty I^m vij^c & two of their expenſses in the above manner Yea or Not And it carried Yea, And the ſaid expence was declared to be a publick debt, and it was remitted to the Committee for ſtateing of publick debts to ſtate and rank the ſame as a publick debt.

[Anent allowances to Representatives of Shires & Burghs]

THEREAFTER it was moved That no Repreſentative from either Shyre or Burgh from this Kingdome to the Parliament of Great Britain ſhall have any allowance for their charges and expenſses in attending the ſame.

AND after debate It being moved to delay the conſideration thereof till next Sederunt of Parliament.

THE vote was put Proceed or Delay And it carried Delay.

THE Committee appointed to meet to morrow at nine of the clock.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten a clock.

FEBRUARY III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED that the Ratifications & Warrands for Fairs to be craved this Seſsion of Parliament be given in to be reviſed And her Majesties High Commiſsioner appoints the Earle of Glasgow Lord Theſaurer Deput the Lord Advocat the Lord Justice Clerk and any one of the Solicitors or any two of the whole to reviſe the ſame. [Ratifications & Warrands for Fairs to be revised]

THEREAFTER the first Sederunt of Parliament (after paſsing the Act ſettling the manner of electing and ſummonding the repreſentatives for Scotland to the Parliament of Great Britain) was appointed for private buſsineſs.

THEN the motion made the former Sederunt anent allowing no charges nor expenſses to the Repreſentatives from the Shyres & Burghs of this Kingdome to the Parliament of Great Britain resumed. [Anent allowances to the Representatives of Shires & Burghs]

AND after debate thereon The vote was put Whither there ſhall be a clauſe in relation to the charge & expenſses of the Repreſentatives for Shyres & Burghs inſert in the Act ſetling the manner of electing &c. Yea or Not and it carried Not.

THEREAFTER it was moved that at all meetings of the Peers for electing of their Repreſentatives ſuch Peers as are abſent be allowed to have votes in the ſaid election by proxies The ſaid proxies being Peers, and they and their Conſtituents being qualified at the tyme by takeing the oaths required by Law, and that the ſaid abſent Peers may either vote by their proxies or by ſending up Lists ſubſcribed by them. [Anent elections of Peers]

AND after reaſoning thereon The vote was put Allow proxies in the above terms Yea or Not and it carried Allow.

AGREED that the meeting of the Peers for the ſaid elections ſhall be at any place Her Majeſtie ſhall appoint within the limits of Scotland.

AGREED also That in caſe of the deceaſe or legall Incapacity of any of the fourty five Commoners to be choſen out of this Seſsion of Parliament to the Parliament of Great Britain the ſhyre or ſtewartrie or district of Burrows for which he is a member ſhall choiſe another in his place.

AGREED likewayes That in caſe of the deceaſe or legall Incapacity of any of the ſixteen Peers the Peers ſhall meet and elect another in place of the deceaſer.

MOVED that ſuch Peers of Scotland who are likewayes Peers of England or who after the Union ſhall be created Peers of Great Britain have no vote in the election of the ſixteen Peers from Scotland to the Parliament of Great Britain.

AND after debate thereon It was put to the vote Whether any clauſe in relation to the ſaid motion ſhall be inſert in the above Act ſettling the manner of election &c. Yea or Not and it carried Not.

[Anent elections of Commiſsioners for Burghs]

THEREAFTER it was agreed That when the votes of the Commiſsioners for Burrows who ſhall meet for electing their Repreſentatives are equall the preſident of the Meeting ſhall have a casting or deciſive vote beſyde his vote as a Commiſsioner repreſenting the Burgh from whom he is ſent And that the Commiſsioner for the eldest Burgh ſhall preſide at the first meeting and the Commiſsioner for the other Burghs by turns as the Burghs are now called in the Rolls of Parliament.

THEN the Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

FEBRUARY IV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[Lady Mary Bruce & William Cochran her husband]

PETITION, Lady Mary Bruce and William Cochran younger of Ochiltree her Huſband, craving allowance to retain the papers therein mentioned, and the Petitioners recept thereof to be given up And alſo that the declarator therein narrated at their inſtance may be discuſsed before the Lords of Seſsion summarly read And the writs therein mentioned ordained to be put in the Clerks hands And the Earle of Kincardines procurators ordained to ſee & answer the said petition against the first Sederunt of Parliament for private buſsineſs.

THEN the draught of an Act settleing the manner of the Electing and Summonding the Sixteen Peers and Fourty five Commoners to Repreſent Scotland in the Parliament of Great Britain read. [Act settling the manner of electing Peers and Commoners to Parliament]

AND thereupon a vote was put Allow a first Reading to be marked on the ſaid Act Yea or Not And it carried Allow and a first reading was marked thereon accordingly.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock

FEBRUARY V, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Act settling the manner of electing the Sixteen Peers & Fourty five Commoners to repreſent Scotland in the Parliament of Great Britain again read And after reaſoning thereon and ſome amendments the Act as amended was again read over And it was put to the vote Approve the Act or Not and it carried Approve. [Act settling the manner of electing Peers and Commoners &c.]

DRAUGHT of an Act for taking down the foirſtairs & outſhots in the ſtreet or wynd called Mary Wynd of the Burgh of Stirling read And a first reading ordered to be marked thereon. [Mary Wynd of Stirling]

OVERTURE for an Act anent plantation of Kirks brought in from the Committee and read And after ſome amendments was ordered to be printed. [Plantation of Kirks &c.]

AND alſo another Overture for an Act & Commiſsion for plantation of Kirks & valuation of Teynds brought in from the ſaid Committee was read & ordered to be printed.

AGREED that the Parliament will proceed to the conſideration of theſe Overtures the first Sederunt after they are printed previous to all other buſineſs.

THEN a Proclamation concerning the Coyn was brought in from the Committee & read And the vote was put Approve of the Proclamation or Not and it carried Approve.

PROCLAMATION concerning the Coin.

ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith To Our Lion King at Arms and his brethren

Heraulds Purſevants Maſsers and Meſsengers at Arms our Sheriffs in that part conjunctly and ſeverally specially constitute Greeting Forasmuch as through ignorance or with design to make privat gain and advantage sundry of our Leidges have not only refused to receive in payment of debts or bargains at the usual rate the money which have paſt the irons of our Mint houſe but alſo ſeveral other species of Coin appointed to be current at the rates and value specified in the several Acts of Parliament and Proclamations of Privy Council made thereanent thereby both ſtraitning the meaner ſort of people and putting a ſtopt to payment of debts & obſtructing the inland trade and neceſsary commerce amongst our Leidges Therefore and for Remede thereof We with advice and conſent of the Eſtates of Parliament Appoint and Ordain as well the current money which hath paſt the irons of our Mint as all other species of money formerly current within this Kingdom to paſs and be received in all payments of debts and bargains according to the rates & value specified and contained in the several Acts of Parliament and Proclamations of Privy Council made thereanent and as they have been in uſe to paſs & be current heretofore Diſchargeing hereby all & every one of our Leidges to refuſe any of the said species in payment of debts or other bargains at the rate and value foresaid With certification to them & each of them That they shall be lyable to the double of what ſhall be ſo refuſed preſently to be Judged and Decerned against them by any Magiſtrat of the place The one half of what is ſo decerned to be applyed to the uſe of the poor and the other half to his uſe and behoove from whom the money was refuſed and who ſhall proſecute the ſame before the ſaid Judge Ordinar Our Will is herefore and We charge you ſtraitly and command that incontinent thir preſents ſeen ye paſs to the mercat Croſses of Edinburgh and of the remanent head Burghs within this Kingdom and there make open Proclamation hereof that none may pretend ignorance, And ordain theſe preſents to be printed, And that our Solicitors dispatch copies hereof for the effect abovewritten to the Sheriffs of the ſeverall Shires and Steuarts of the ſeverall Steuartries.

[Overture agt Popery & Papists]

OVERTURE for an Act against Popery and Papists brought in from the Committee was read and ordered to be printed.

THEREAFTER the Act ſettling the manner of electing the Sixteen Peers and Fourty five Commoners to repreſent Scotland in the Parliament of Great Britain was touched with the Royall Scepter by Her Majesties High Commiſsioner in the uſuall manner.

ACT Settling the manner of Electing the Sixteen Peers and Forty Five Commoners to Repreſent Scotland in the Parliament of Great Britain.

OUR SOVERAIGN LADY Conſidering that by 8
the twenty ſecond Article of the Treaty of Union as the same is ratified by ane Act paſt in this Seſsion of Parliament upon the sixteenth of January laſt It is provided that by virtue of the ſaid Treaty of the Peers of Scotland at the time of the Union Sixteen ſhall be the number to sit and vote in the Houſe of Lords and Fourty five the number of the Repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain And that the ſaid Sixteen Peers and Fourty five members in the Houſe of Commons be Named and Choſen in such manner as by a subsequent Act in this preſent Seſsion of Parliament in Scotland ſhould be ſettled Which act is thereby declared to be als valid as if it were a part of and ingroſsed in the ſaid Treaty Therefore Her Majestie with advice and consent of the Estates of Parliament Statutes Enacts and Ordains That the ſaid Sixteen Peers who ſhall have right to sit in the Houſe of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty ſhall be named by the ſaids Peers of Scotland whom they repreſent their heirs or ſucceſsors to their dignities and honours out of their own number and that by open Election and plurality of voices of the Peers preſent and of the Proxies for such as shall be absent the said Proxies being Peers and producing a mandat in writing duely signed before witneſses and both the Constituent and Proxie being qualified according to law Declaring also that such Peers as are abſent being qualified as aforesaid may ſend to all ſuch meetings Lists of the Peers whom they Judge fitteſt validly signed by the ſaid abſent Peers which ſhall be reckoned in the same manner as if the parties had been preſent and given in the ſaid Liſt And in caſe of the death or legall incapacity of any of the ſaid Sixteen Peers That the foresaid Peers of Scotland ſhall nominate another of their own number in place of the ſaid Peer or Peers in manner before and aftermentioned And that of the ſaid Fourty five Repreſentatives of Scotland in the houſe of Commons in the Parliament of Great Britain Thirty ſhall be choſen by the Shires or Stewartries and Fifteen by the Royall Burrows as follows viz. One for every Shire and Stewartry excepting the Shires of Bute and Caithneſs which shall choiſe one by turns Bute having the first election The ſhires of Nairn and Cromarty which ſhall also choiſe by turns Nairn having the first election And in like manner the ſhires of Clackmannan and Kinroſs ſhall choiſe by turns Clackmannan having the first election And in caſe

of the death or legall incapacity of any of the said Members from the respective ſhires or ſteuartries abovementioned to sit in the houſe of Commons It is Enacted and Ordained that the ſhire or ſteuartry who Elected the ſaid member ſhall Elect another member in his place And that the ſaid Fifteen Repreſentatives for the Royall Burrows be choſen as follows viz. That the Town of Edinburgh ſhall have right to Elect and ſend one member to the Parliament of Great Britain And that each of the other burghs ſhall Elect a Commiſsioner in the same manner as they are now in uſe to Elect Commiſsioners to the Parliament of Scotland Which Commiſsioners and Burghs (Edinburgh excepted) being divided in fourteen Claſses or Diſtricts ſhall meet at such time and burghs within their respective Diſtricts as her Majestie her heirs or Succeſsors ſhall appoint and Elect one for each Diſtrict viz. The Burghs of Kirkwall Week Dornock Dingwall and Tayne one The burghs of Fortroſe Inverneſs Nairn and Forreſs one The burghs of Elgin Cullen Bamff Inverury and Kintore one The burghs of Aberdeen Inverbervy Montroſe Aberbrothock and Breichen one The burghs of Forfar Perth Dundee Coupar and St Andrews one The burghs of Craill Kilrennie Anſtruther easter Anſtruther weſter and Pittenweem one The burghs of Dyſart Kirkaldie Kinghorn and Burntisland one The burghs of Inverkeithen Dumfermline Queensferry Culroſs and Stirling one The burghs of Glasgow Renfrew Rutherglen and Dumbritton one The burghs of Hadingtoun Dumbar Northberwick Lauder and Jedburgh one The burghs of Selkirk Peebles Linlithgow and Lanerk one The burghs of Dumfries Sanquhar Annan Lochmaben and Kirkcudbright one The burghs of Wigtoun Newgalloway Stranrawer and Whitehern one, And the burghs of Air Irvin Rotheſay Campletoun and Inverary one And It is hereby Declared and Ordained That where the Votes of the Commiſsioners for the ſaid burghs met to Choiſe Repreſentatives from their ſeverall Districts to the Parliament of Great Britain ſhall be equall in that caſe the Preſident of the meeting ſhall have a casting or deciſive Vote and that by and attour his vote as a Commiſsioner from the burgh from which he is ſent the Commiſsioner from the eldest burgh preſideing in the first meeting and the Commiſsioners from the other burghs in their respective Districts preſideing afterwards by turns in the order as the ſaid burghs are now called in the Rolls of the Parliament of Scotland And in caſe that any of the ſaid fifteen Commiſsioners from Burghs ſhall deceaſe or become legally incapable to sit in the Houſe of Commons Then the Town of Edinburgh or the Diſtrict which choiſed the ſaid member ſhall elect a member in his or their place It is always hereby expreſsly Provided and Declared that none ſhall be capable to Elect or be Elected for any of the ſaid Estates but ſuch as are Twenty one years of age compleat and Protestant Excluding all Papists or such who being suspect of Popery and required refuſe to Swear and Subscribe the Formula contained in the third Act made in the eighth and ninth Seſsions of King Williams Parliament entituled Act for preventing the grouth of Popery And also declaring that none ſhall be capable to Elect or be Elected to Repreſent a ſhire or burgh in the Parliament of Great Britain for this part of the United Kingdom except such as are now capable by the Laws of this Kingdome to Elect or be Elected as Commiſsioners for ſhires or burghs to the Parliament of Scotland And farder Her Majestie with advice and consent foreſaid for the effectuall and orderly Election of the perſons to be choſen to sit vote and ſerve in the respective Houſes of the Parliament of Great Britain when Her Majesty her heirs and succeſsors ſhall declare her or their pleaſure for holding the first or any subsequent Parliament of Great Britain And when for that effect a Write ſhall be Iſsued out under the Great Seal of the United Kingdom directed to the Privy Counſell of Scotland conforme to the ſaid twenty ſecond Article Statuts Enacts and Ordains That untill the Parliament of Great Britain ſhall make further provision therein the ſaid Write ſhall contain a Warrand and Command to the ſaid Privy Counſell to Iſsue out a Proclamation in her Majesties name requiring the Peers of Scotland for the time to meet and aſsemble at such time and place within Scotland as Her Majestie and Royall Succeſsors ſhall think fit to make Election of the ſaid Sixteen Peers and requiring the Lord Clerk Register or two of the Clerks of Seſsion to attend all such meetings and to adminiſter the Oaths that are or ſhall be by Law required and to aſk the Votes And having made up the Lists in preſence of the meeting to return the names of the Sixteen Peers choſen (certified under the Subscription of the ſaid Lord Clerk Register Clerk or Clerks of Seſsion attending) to the Clerk of the Privy Counſell of Scotland And sicklike Requiring and Ordaining the ſeverall freeholders in the respective Shires and Stewartries to meet and conveen at the head burghs of their ſeverall Shires and Stewartries to Elect their Commiſsioners conforme to the order above ſet down And Ordaining the Clerks of the ſaid meetings immediately after the ſaid Elections are over respectively to return the names of the persons elected to the Clerks of the Privy Counſell And laſtly Ordaining the City of Edinburgh to Elect their Commiſsioner and the other Royall Burrows to Elect each of them a Commiſsioner as they have been in uſe to Elect Commiſsioners to the Parliament and to ſend the ſaid respective Commiſsioners at ſuch times to such Burghs within their respective Districts as Her Majesty and Succeſsors by such Proclamations ſhall appoint Requiring and Ordaining the common Clerk of the respective burghs where ſuch elec-

tions ſhall be appointed to be made to attend the ſaid meetings and immediately after the Election to return the name of the perſons ſo elected (certifyed under his hand) to the Clerk of Privy Counſell to the end that the names of the Sixteen Peers Thirty Commiſsioners for Shyres and Fifteen Commiſsioners for Burghs being ſo returned to the Privy Counſell may be returned to the Court from whence the Writ did Iſsue under the Great Seal of the United Kingdom conforme to the ſaid twenty ſecond Article And whereas by the ſaid twenty ſecond Article It is agreed That if her Majesty ſhall on or before the firſt day of May next Declare That it is expedient the Lords and Commons of the preſent Parliament of England ſhould be the members of the respective houſes of the first Parliament of Great Britain for and on the part of England they ſhall accordingly be the members of the ſaid respective Houſes for and on the part of England Her Majesty with advice and conſent foreſaid in that caſe only Doth hereby Statute and Ordain That the Sixteen Peers and Fourty five Commiſsioners for Shires and Burghs who ſhall be choſen by the Peers Barrons and Burghs respectively in this preſent Seſsion of Parliament and out of the Members thereof in the same manner as Committees of Parliament are uſually now choſen shall be the members of the respective Houſes of the ſaid first Parliament of Great Britain for and on the part of Scotland Which Nomination and Election being certified by a Writ under the Lord Clerk Registers hand the perſons ſo Nominated and Elected ſhall have right to sit and vote in the Houſe of Lords and in the Houſe of Commons of the ſaid first Parliament of Great Britain.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

FEBRUARY X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN it was moved To proceed to privat Buſineſs conform to the Minuts of the third of February inſtant.

[Plantation of Kirks &c.] MOVED alſo to proceed to the conſideration of the two Overtures mentioned in the Minuts of the last Sederunt, the one, Remitting the plantation of Kirks &c. to the Lords of Council and Seſsion, and the other for an Act and Commiſsion for Plantation of Kirks and Valuation of Teynds.

AND after debate the vote was put Proceed to consider the two Overtures in order to a first reading or Proceed to private buſsines And it carried to the Overtures.

THEREAFTER the two Overtures were read in the above order And the vote being put Mark a first reading on the first or ſecond And it carried First And a first reading was marked on the ſaid first Overture Remitting the plantation of Kirks to the Lords of Seſsion.

[Orknay & Zetland] THEN the Act of Diſsolution of the Lands of Orknay & Zetland from the Crown in favours of the Earle of Mortoun again read And after reaſoning and ſome amendments It was put to the vote Approve of the Act or Not And it carried Approve.

[Burgh of Aberdeen] ACT in favours of the Burgh of Aberdeen again read And after reaſoning thereon and ſome additions and amendments It was put to the vote Approve of the Act or Not and it carried Approve.

[Toun of Burrowstounneſs] ACT in favours of the Toun of Burrowstounneſs again read and after additions and amendments It was put to the vote Approve of the Act or Not and it carried Approve.

[Sir Thomas Dalziell ag^t The Lady Caldwell] THE action upon a protest for remeid of Law Sr Thomas Dalziell of Binns against the Lady Caldwell and her husband being moved The procurators for either party were ordained to be ready against the next Sederunt of Parliament for private buſsines the ſame being then to be taken into consideration previous to all other.

[Burgh of Kirkcaldy] THEREAFTER the Act in favours of the Burgh of Kirkaldie again read And after ſome additions and amendments the vote was put Approve of the Act or Not and it carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten of the clock.

FEBRUARY XII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

REPORT of the Committee concerning Mr James Anderſon, read and approven.

Order for encouraging and enabling Mr James Anderson Writer to the Signet, to prosecute his Work

AT EDINBURGH, the Twelfth Day of February, One thousand seven hundred & seven years, Her Majesty's High Commiſsioner, and the Estates of Parliament, having this day heard the Report concerning Mr James Anderſon Writer to Her Ma-

jesty's Signet, dated the xxix. Day of November laſt, given and ſubſcribed by the Earl of Glasgow, the Lord Balmerinoch, Sir John Lauder of Fountainhall, one of the Senators of the College of Juſtice, and Sir David Dalrymple Advocate, Members of the Houſe, appointed by a Remit of Parliament dated the ix. Day of the ſaid Month of November, Mentioning, THAT, in purſuance of the ſaid Remit of Parliament, they haveing met, and maturely conſidered what advance Mr James Anderſon has made in the Work recommended to him in the laſt Seſſion of Parliament, concerning the ancient Charters and Seals of this Kingdom, do preſume to give it as their humble Opinion, That the ſaid Mr James Anderſon has made as great Advance in the ſaid matter as the Time and Difficulty in the performance could permit, and that his learned Industry in a Matter so useful, undertaken on the Recommendation of Parliament, deserves further Encouragement to enable him to support the Charge, and carry on the Deſign uniformly, and with that Beauty and Exactneſs which will be expected in a Work begun by so great Authority. And they beg'd leave more particularly to lay before the Honourable Houſe, that they have seen the Impreſsions of twenty four Charters, in a Series from King Duncan downwards, with the Seals of many of our Kings, and some Charters very ancient & curious granted by Subjects, and ſundry curious Seals. And having compared them with the Charters of the several Ages in original Charters, and with the Seals, the Engraving appears to be moſt exact, and the ancient Charters and Seals are very happily imitated. They did likewise conſider curious Tables, prepared by the Author, to be engraven on large Plates ready polished, for explaining the Characters of the several ages, and the Abbreviations and Contractions so frequent in ancient Charters and Manuscripts; to which the Author is to add usefull Notes and Observations. They also understand he was favoured in England with the Truſt of several original Charters of our Kings and their Subjects, whereof none so old are yet known to be extant and preserved at Home; which Favour has much contributed to advance his Work. He did lay before them an Account of the Expences he has already been at in this Work, in relation to what is already engraven, and ready to be engraven; which Account they judge to be modest and reasonable. Besides these Expences, they understand, that since this Work was recommended to him, he has been at great Charge and Pains in buying and collecting many rare and valuable Latin, Saxon, French and English Books, in relation to the British History, and ancient Charters and Writings fit for him; sundry of which Books are not known to be in any publick or private Library here. They likewise understand, that with much Civility and Frankneſs he has had Acceſs to some of the best Repositories of Writings in England, wherein are many remarkable Things concerning this Kingdom, not known. And as a Proof of this, he shewed them some hundreds of Sheets of Lists, Notes, and Copies taken from these Writings, which could not be done without great Pains and Expences: So that they find he has not only pursued diligently what was recommended to him, but also has improved the Opportunity to collect what might illustrate our History from Records in Foreign Parts. They have also considered a Note given in by him of several Charters and Seals, which he purposes to cause engrave, and of some other Things which he intends to publish in this Work, with an Estimate of the Expences; and humbly conceive it is very proper, that what is mentioned and proposed in that Note be done. And considering, that in this work there is to be much and fine Engraving, and that the engraved Charters, as also several other Charters, with Notes and Observations, are to be printed in modern Types, and that the Paper is to be large and fine; they are of Opinion, that this must needs be a Work of great Expences, Pains and Industry. As to the Expences of the Work, they find that Mr James Anderson has not only expended the Three hundred Pounds Sterling which was granted to him in the last Seſsion of Parliament, but has also further expended in this Work, and Materials fit for it, the sum of Five hundred and ninety Pounds Sterling. And it is their humble Opinion, That there be given to him the said Sum of Five hundred and ninety Pounds Sterling, in consideration of what he has already advanced and superexpended in relation to the said Work; and that there be further given to him the Sum of One thousand and fifty Pounds Sterling to enable him to complete the said Work, with the same Beauty and Exactneſs that he has begun it; and that this Encouragement be granted upon some sure and ready Fund, so as he may proceed with all Diligence, and pay the Workmen neceſsary to be employed in this Work. They cannot but take notice, that the said Mr James Anderson has already been, and will hereafter also be at very great Loſs in his private Employment by the aſsiduous and diligent Prosecution of this Work; and therefore humbly suggest, That his Grace, Her Majesty's High Commiſsioner, and the honourable Eſtates of Parliament, may repair that Loſs, in such manner as their Wisdom and Goodneſs shall think fit; which will much encourage him to continue these Studies and Enquiries, as the said Report bears. WHICH being fully considered by Her Majesty's said Commiſsioner, and the said Estates of Parliament, and they being therewith well and ripely advised, they Approved and hereby Approve thereof.

PETITION for the Earle of Melvill, in relation to a preference for ſome debts due to his Lordſhip by the officers of the army out of the first of

the sums due and payable to them, by the Government, read, and the deſire thereof granted.

[Act in favours of the Earl of Melvill]

REPRESENTATION for the Six Clerks of Seſsion for a Remuneration for their extraordinar pains and attendance in this and former Seſsions of Parliament read, and the deſire thereof granted conform to the deliverance on the Repreſentation.

[Act in favours of the Six Clerks of Seſsion]

[Overtures for Acts read]

THEREAFTER the following Overtures for Acts were given in and read viz. Act Renuncing the Reverſion of Kirklands, Act in favours of the Inhabitants of the ſhyre of Caithnes, Act in favours of the Earle of Linlithgow and Callender, Act for preſerving the Game, Act in favours of the Lady Litilgill and her ſon, And Act in favours of the Earle of Cromerty, And a first reading ordered to be marked on each of the ſaid Acts.

OVERTURE for an Act anent Incloſeing of Ground read, And after reaſoning, It was put to the vote Mark a first reading thereon or Order it to lye upon the table, And it carried, To lye upon the table.

[Plantation of Kirks&c.]

MOVED to proceed to the Act for Plantation of Kirks &c. And alſo moved To proceed to the Act for additional premiums on exportation of victual.

AND after reaſoning thereon It was agreed to proceed first to the Act for plantation of Kirks &c. And after the ſame is finiſhed to proceed immediatly thereafter to the Act for additional premiums.

THEN the Act for plantation of Kirks &c. was read, And after ſome reaſoning thereon the furder debate was Adjourned till next Sederunt of Parliament.

[Election of Representatives to the first Parliament of G. Britain]

AGREED that the Parliament will next Sederunt proceed to elect the Repreſentatives for Scotland to the first Parliament of Great Britain, And it was intimat to the Members to prepare for the ſaid Election against that tyme, And agreed that the Parliament will thereafter proceed to the Act for plantation of Kirks &c. previous to all other buſsines after the Election, and then to the Act anent Drawbacks on victual.

THE ſecond Sederunt of Parliament next week appointed for private buſsines.

THEREAFTER the Act of Diſsolution of the Lands of Orkney and Zetland from the Crown in favours of the Earle of Mortoun was touched with the Royall Scepter by Her Majesties High Commiſsioner in the uſuall manner.

ACT of Diſsolution of the Lands of Orkney and Zetland from the Crown in favours of the Earl of Morton.

OUR SOVERAIGN LADY Considering the 9
good and faithfull Services done and performed by James now Earle of Morton, and his predeceſsors, Earles of Morton, to Her Majesty, and her Royall Anceſtors, and their native Countrey: And alſo considering that the ſaid James Earle of Morton having represented his Title and Interest to the Isles of Orkney and Zetland, to the Parliament 1693, and the Parliament having appointed their Majesties Advocat for the time, to ſee and answer the said Representation, And Answers being accordingly given in for their then Majesties Interest, which with the Representation being considered by the Parliament the fifteenth day of June the said year I^{m} vj^{c} and ninety three, They did Recommend to their then Majesties, the ſaid Earle of Mortons caſe, and to consider the hardſhips and stretches, which he and his predeceſsors had suffered by a Decreet of Reduction, obtained at the Instance of the Kings Advocat for his Majesties Interest in the year I^{m} vj^{c} and sixty nine, Reducing the Earle of Morton his Right and Title to the Earledome of Orkney, and Lordship of Zetland and others therin mentioned And by ane Act paſt in the Parliament the said year I^{m} vj^{c} sixty nine wherby the forſaid Decreet was Confirmed and Ratified, and the ſaid Isles of Orkney and Zetland were of new annexed to the Crown and patrimony therof, Lykeas the ſaid Earle having given in a new Representation to the Parliament held in the year I^{m} vij^{c} and two, the Parliament did again Recommend to Her Majestie, to consider the hardſhips the said Earle and his predeceſsors have suffered by the above mentioned Decreet and Act, with all that followed thereon. And Her Majesty having taken to Her Royal Conſideration, the forſaid Recommendations and Representations wherupon the same proceeded, with the Representation made by the said James Earle of Morton in this Seſsion of Parliament; And being convinced of the hardſhips and stretches mentioned in the forſaid Recommendations of Parliament, wherby, and by the transactions depending and following therupon, the Earle and his family were very greatly leas'd. And having also Considered, that small or no advantage has redounded to the

Crown from the Tacks and manadgement of Orkney and Zetland since the said Annexation; And being willing to shew at once a Mark of her Majesties Royall Justice and favour to the ſaid Earle of Morton and his family, for preserving the same, Therfore Her Majesty, for the good and weighty reasons and cauſes abovementioned with the speciall advice and consent of the Estates of Parliament for all Right and Title any way competent to the Crown or principality of Scotland, Hath Diſsolved and hereby Diſsolves from the Crown and Patrimony thereof All and haill the Earledome of Orkney and Lordship of Zetland, with all and sundry Iſles, Holms, Burghs, Udal Lands, and other Lands whatsomever, of what name and by what designation ſoever the same are, or may be known, lying within the Sherriffdome or Stewartry of Orkney, and pertaining to the ſaid Earledome and Lordship; And now by the forſaid Acts of Annexation past in the Parliaments held in the years I^{m} vj^{c} and twelve and I^{m} vj^{c} and sixty nine, pertaining to her Majesty; or by whatever other right and title, Together with all Castles, Towers, Fortalices, milnes, multures, fishings, annualrents, reversions, patronages of Kirks, chaplanries, altarages, or prebendries, teinds parſonage and viccarage, with the Office of Justiciary, Sherriffship, Steuartship, Bailliarie, or Feudarie, with the casualties, and priviledges thereto belonging; Together with all other parts, pendicles and pertinents, casualties, jurisdictions, priviledges, and others whatſomever belonging to the same; To the effect Her Majesty may dispone to the ſaid James Earle of Morton his heirs and succeſsors whatsomever, the forſaid Earledome, Lordship, Isles, Lands, Milns, Offices, Jurisdictions, Casualties and others abovementioned or any part thereof, and that in such manner as may most effectually preſerve the samen to the ſaid Earle and his forſaids for support of the family of Morton, Redeemable by Her Majesty and Her Royall Succeſsors, on payment of the soume of Three hundred and Sixty thouſand pounds Scotts money, and that in due and competent form To be holden all and sundry the forſaid Earledome, Lordship, Isles,. Lands, Milns Burghs Teinds Patronages Offices Jurisdictions Casualties and others abovewritten with the pertinents to the ſaid James Earle of Morton his heirs and succeſsors whatsomever, of her Majesty and her Royall Succeſsors Giving yearly the ſaid James Earle of Morton, and his forſaids, to her ſaid Majesty and her Royall Succeſsors, during the not Redemption, for all and sundry the forſaid Earledome, Lordship, Isles, Holms, Udal Lands, and other Lands, Milns, Burghs, Teinds, Patronages, Offices, Jurisdictions, and others abovementioned, with the pertinents the soume of Six thouſand pounds Scotts money, at two terms in the year, Whitsunday and Martinmaſs by equall portions, in name of feu-farm, with the double of the ſaid feu-duty at the entry of every Heir, and Administration of Justice to all and sundry her Majesties Liedges in the foreſaid Offices as accords. With the summe of One thousand six hundred pounds Scotts money to the ministers of Orkney, or such other summes as are or ſhall be modified by way of Augmentation to the said ministers out of the Teinds above disponed at the Terms of payment uſed and wont for all other burden, exaction, question, demand or ſervice, which may be any wayes aſked or required furth of the ſaid Earldome Lordship Isles Lands Offices Jurisdictions, and others abovementioned during the not Redemption Reserving all haucks pertaining to her Majesty with the Falconers sallaries and other casualties to them belonging conforme to former custom uſed and wont And Lastly Her Majesty with advice and consent forſaid Declares and Ordains, the right to be granted by Her Majesty and Royall Succeſsors, to the ſaid Earle and his forſaids, of the premiſses hereby diſsolved to the effect and in manner forſaid, to be als valid and effectuall, as if the samen had never been annexed to the Crown and patrimony thereof and as if the said Earledome, Lordship, Isles, Lands, and others forſaids, were here more fully and particularly enumerate, albeit the samen be not ſo done, whereanent Her Majesty with advice and consent forſaid has dispensed and hereby dispenses forever; And Her Majesty with advice and consent foreſaid, Statuts and Declares, that this present Diſsolution ſhall have the full force and strength of any former Act of Diſsolution past in the best form, with all clauſes needfull. And hereby Reſcinds and Repeals the forſaids Acts of the Parliaments past in the ſaid years I^{m} vj^{c} and twelve and I^{m} vj^{c} and sixty nine and all other Acts annexing the foreſaid Earledome of Orkney Lordship of Zetland Isles Lands Offices Jurisdictions and others particularly and generally abovementioned to the Crown, and the haill heads, articles and clauſes thereof in ſo far as the ſame may be hurtfull and prejudiciall to this present Act and Rights to follow hereon. Declaring alwayes that the Right and Jurisdiction of Admiralty is not herein comprehended.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

FEBRUARY XIII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Election of Representatives for Scotland]

THEN the Parliament conform to the Minuts of the last Sederunt proceeded to Elect the Repreſentatives for Scotland to the first Parliament of Great Britain, And the three Estates having ſeperated to their uſuall places, they returned & reported their respective Elections and the List of the Repreſentatives is as follows.

OF the Nobility, The Duke of Queensberry Lord High Commiſsioner, the Earle of Seafield Lord High Chancellor, the Marquis of Montroſe Lord Preſident of the Privy Council, the Marquis of Tueedale, the Marquis of Lothian, the Earles of Marr & Lowdoun Principall Secretaries of State, and the Earles of Crawfurd, Sutherland, Roxburgh, Wemys, Leven, Stair, Roſeberry, Glasgow The^r Dep^t, and Ilay.

OF the Barrons, William Nisbet of Dirletoun, John Cockburn younger of Ormiſtoun, Sr John Swintoun of that Ilk, Sr Wm Kerr of Greenhead, Archibald Dowglas of Cavers, Wm Bennet of Grubbet, Mr John Murray of Bowhill, Mr John Pringle of Haining, Wm Moriſon of Preſtongrange, George Bayllie of Jerviswood, Sr John Johnſtoun of Westerhall, Mr John Stewart of Sorbie, Mr Francis Montgomerie of Giffan, Mr William Dalrymple of Glenmuir, Sr Robert Pollock of that Ilk, John Halden of Glenagies, Mongo Graham of Gorthie, Sr Thomas Burnet of Leyes, Sr David Ramſay of Balmain, Wm Seton younger of Pitmedden, Alex^r Grant younger of that Ilk, Hugh Roſs of Kilravock, Sr Kenneth McKenzie, Mr John Campbell of Mammore, Sr James Campbell of Auchinbreck, James Campbell younger of Ardkinglaſs, James Halyburtoun of Piteurr, Alex^r Abercrombie of Glaſsoch, Alex^r Dowglaſs of Eagliſhaw and John Bruce of Kinroſs.

OF the Burrows, Sr Patrick Johnſtoun, Lieu^t Co^ll John Areſkine, Hugh Montgomerie, James Scott Sr John Areſkine, Mr Pat. Moncrieff, Sr Andrew Hume, Sr Peter Halkett, Sr James Smollett, Sr David Dalrymple, Mr John Clerk, Mr Patrick Ogilvie, George Allerdyce, Daniell Campbell and Mr Alexander Maitland.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

FEBRUARY XVII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Plantation of Kirks &c.]

THEN the Act for plantation of Kirks &c. again read, And was thereafter read by paragraphs, And after the first paragraph was read It being moved That the matter of plantation of Kirks &c. be remitted to a Commiſsion, After debate thereon The question was put, If the matter of plantation of Kirks and valuation of Teynds shall be remitted to a Commiſsion or to the Lords of Council and Seſsion, And it carried To the Lords of Council and Seſsion.

[Macers of Privy Council]

THEN a clause was offered in favours of the Macers of Privy Council in these terms Declairing that the Macers of Privy Council who by their Gifts did attend and officiat before the ſaid Commiſsion of Parliament, shall continue to attend and officiat before the ſaid Lords of Seſsion in the matter committed to them by this Act as they were in use to doe before the ſaid Commiſsion, and none elſe And after reasoning thereon The vote was put Add the clause or Not and it carried Add.

AND after some amendments The said Act was read over Then the vote was put Approve of the Act or Not and it carried Approve.

[Premiums on exportation of Victual]

THEREAFTER the draught of ane Act for additional premiums on the exportation of victual till the first of May again read. And after reasoning thereon and the addition of a clauſe thereto It was put to the vote Approve of the Act or Not and it carried Not.

[Diſsolving the few duties of Kirklands from the Crown]

THEN the Act Diſsolving the few duties of Kirklands from the Crown and Diſscharging the Reverſion thereof againe read And after ſome amendments It was put to the vote Approve the Act or Not And it carried Approve.

[Chirurgions & Apothecaries in Edinburgh]

OVERTURE for an Act concerning Chirurgions and Apothecaries in Edinburgh given in and read And it was put to the vote Mark a first reading thereon, or Order it to lye on the Table And it carried Mark a first reading And the same was ordered to be printed before a second reading.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Thursday nixt at ten of the clock.

FEBRUARY XX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Sir Thomas Dalziell of Binnes ag^{t} Lady Caldwell and her Husband]

THEN the Action upon a Protest for remeid of law Sir Thomas Dalziell of Binnes against the Lady Caldwell and her husband called And the parties procurators being called A Dilator Defence was proponed That the action upon the protest could not be receaved in respect the Lords of Session have pronounced no definitive Sentence in the Cause And after some debate and reasoning thereupon It was put to the vote Determine the Dilator or Hear parties procurators upon the haill cause, And it carried Hear.

AND the parties procurators being accordinglie heard, After long debate The vote was stated Afsoilzie Sir Thomas Dalziell from the Rents of the estate of Caldwell preceeding Martinmafs I^{m} vj^{c} and eighty eight on account of the specialities of his case Distinguishing it from other cafes falling under the Act Refcifsory Yea or Not.

[Protest, the Earl of Ilay & George Baillie of Jerviswood]

BUT before voting The Earle of Ilay gave in the following Protest in these terms " I doe protest for my self and in name of such who shall adhere to this Protestation That this vote relateing to Sir Thomas Dalziells cause may not at all prejudge or impair the undoubted Right of any of her Majesties Subjects to the Repetition of the bygone rents of their forfeited estates according to law and Acts of Parliament" and took Instruments thereupon And George Baillie of Jerviswood Adhered thereto.

THEN the vote was put Afsoilzie or Not And it carried Afsoilzie.

[Decreet Absolvitor Dalziel ag^{t} the Lady Caldwell]

[Act discharging Musters &c.]

DRAUGHT of ane Act Difcharging Mufters and Rendevouzes and prorogating the suspenfion of the clause in the Act of Security thereanent till the first day of Januarie nixt to come given in and read And a first reading ordered to be marked thereon.

[Order of procedure]

AGREED that the first Sederunt for privat bufinefs the Parliament will proceed to the Consideration of the Acts for naturalization of John Henry Huguetan and other forraign Protestants, Doctor Stirlings Petition, And the Actions for protection of the Lairds of Boyne elder and younger George Dundafs Sir James Richardson of Smeiton And the Petition for William Cochran of Ferguslie.

RESOLVED that how soon the Report shall be brought in from the Committee anent the equivalent the Parliament will consider the Petitions for Sir George Hamilton, Martine of Bruntbrae Captain. Sletzer and Captain Thomas Hay and other Petitions for payment of money.

[Act in favors of the Burgh of Kinghorn &c.]

ACT in favors of the burgh of Kinghorn read a second time And after some reasoning thereon, It was moved That the Parliament Doe Resolve to pafs no more Acts in favors of any Burghs for ane Imposition of two pennies upon the pynt of ale and beer browen and vended within their respective bounds And after debate The vote was put Proceed to the Act or to the Resolve And it carried to the Act And after some additions made to the said Act it was put to the vote Approve the Act or Not And it carried Approve.

THEN the Lord Chancellor by order of Her Majesties High Commifsioner Adjourned the Parliament till the morrow at ten of the clock.

FEBRUARY XXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act discharging Musters &c.]

THEN the Act Dischargeing Musters and Rendezvouzes till the first day of January next and prorogating the fuspenfion of the clauſe in the Act of Security thereanent till the faid tyme, which is in thefe terms. " That the whole Protestant Heretors and all the Burghs within the fame fhall furthwith provide themfelves with fire Arms for all the fencible men who are Protestants within their respective bounds, And the faid Heretors and Burghs are thereby Impowered and Ordained to Discipline & Exercife their fencible men once in the month at least" was read a fecond tyme And after some Amendments & Reafoning thereon The vote was put Approve of the Act or Not and it carried Approve.

[Anent the Coin &c.]

AGREED that the Parliament will next Sederunt take into their consideration the severall Reports of the Committee anent the Coyne, The Accompts of the Affrican and Indian Company, and anent Publick Debts, And that the petition for Collonell Patrick Ogilvie of Carnes Sr John Schaw of Greenock & Sr Archibald Campbell of Clunies be likewayes taken into consideration the first Sederunt for private bufinefs previous to all other.

THEREAFTER the Act anent plantation of Kirks & valuation of Teynds, and the above Act Dischargeing Muſters & Rendezvouzes &c. were both Touched with the Royall Scepter by Her Majesties High Commiſsioner in the uſuall manner.

ACT anent Plantation of Kirks and Valuation of Teinds.

10 OUR SOVERAIGN LADY and the Estates of Parliament Considering the great prejudice that does redound to this Nation through the want of ane established and fixed Judicature which may cognoſce and determine in such cauſes and things as by former Parliaments were referred to their Commiſsions for Plantation of Kirks and Valuation of Teinds and through the loſs of the Registers of that Court which were burnt in the late fire that happened in this place Therefore Her Majestie and the said Estates Doe hereby Impower Authorize and Appoint the Lords of Counſell and Seſsion to Judge Cognoſce and Determine in all affairs and cauſes whatsomever which by the Laws and Acts of Parliament of this Kingdome were formerly referred to and did pertain and belong to the Jurisdiction and Cogniſance of the Commiſsions formerly appointed for that effect alse fully and freely in all respects as the ſaid Lords do or may do in other civil cauſes, And particularly but prejudice to the generality forſaid to determine in all valuations and sales of Teinds, to grant augmentations of Ministers Stipends, prorogations of Tacks of Teinds, to disjoin too large paroches, to erect and build new Churches, to annex and dismember Churches as they ſhall think fit, conforme to the Rules laid down and powers granted by the nineteenth Act of the Parliament I^{m} vj^{c} and thirty three the twenty third and thirtieth Acts of the Parliament I^{m} vj^{c} and ninety and the twenty fourth Act of the Parliament I^{m} vj^{c} and ninety three in sua far as the same stands unrepealed; the transporting of Kirks, disjoyning of too large paroches, or erecting and building of new kirks, being alwayes with the consent of the heritors of three parts of four at least of the valuation of the paroch whereof the kirk is craved to be transported or the paroch to be disjoyned and new kirks to be erected and built the Minister in the mean time to ſerve the cure in the present kirk of the paroch. And for that effect appoints the ſaids Lords to meet and sit each Wednesday in the afternoon during the time of Seſsion And to call and diſcuſs the ſaid cauſes summarly conforme to an Roll to be made up and kept of the samen And for supplying the lost Registers of that Court Her Majesty and the ſaid Estates Do hereby Appoint and Ordain that any authentick Extracts from the ſaid Records be brought in and being presented to the ſaid Lords be Recorded in a particular Register And that the ſaid Extracts ſo brought in be kept by the Lord Clerk Register and his Deputs Clerks to be appointed by him for that effect as their warrands which ſhall be held and repute alse valid and authentick as the principall warrands themselves if the ſame were yet extant And the Lord Register and his deputs are ordained to give a new Extract gratis to every person that ſhall give in ane old Extract immediately upon delivery thereof And that Extracts from theſe new Records ſhall make the like faith in Judgement and outwith the same as the Extracts from the old Registers of the Commiſsion were wont to do before the same were burnt And further Impowering the ſaid Lords upon such evidents and adminicles as they ſhall ſee cauſe to make up the tenor of such decreets in manner abovementioned whereof Extracts are amiſsing and the Registers loſt in the ſaid fire; Declaring hereby that the Lord Register and his Deputs to be appointed by him as said is ſhall have the ſole and only power and priviledge of Raising and Subscribing of the Summondses and Diligences relating to the affairs abovewritten the samen alwayes paſsing Her Majesties common Signet as formerly And also declaring that the Macers of Privy Counſell who by their gifts did attend and officiate before the ſaid Commiſsion of Parliament ſhall continue to attend and officiate before the ſaid Lords of Seſsion in the matter committed to them by this Act as they were in uſe to doe before the Commiſsion and none else And Lastly It is hereby declared That this present Act and Commiſsion ſhall be subject nevertheleſs to ſuch Regulations and Alterations as ſhall be made by the Parliament of Great Britain.

ACT Discharging Musters and Rendezvouzes till the first day of January next and Prorogating the Suspension of the clause in the Act of Security thereanent till the said time.

OUR SOVERAIGN LADY Conſidering that 11
by an Act paſt in this Seſsion of Parliament intituled Act diſchargeing Muſters and Rendezvouzes dureing the preſent Seſsion of Parliament without her Majesties ſpeciall warrand Her Majestie with advyce & conſent of the Eſtates of Parliament did ſuſpend the clauſe therein mentioned viz. "That the whole Proteſtant Heretors and all the burghs within the ſame ſhall furthwith provide themſelves with fyre Arms for all the fencible men who are Protestants within their respective bounds And the ſaid heretors & burghs are thereby Impowered & Ordained to Diſcipline & Exerciſe their fencible men once in the month at leaſt" contained in the third Act 2^{d} Seſſion of this preſent Parliament and that dureing this Seſsion of Parliament allennerly And Her Majestie and the Eſtates of Parliament

Conſidering that there is good reaſon for prorogating the ſuſpenſion of the foreſaid clauſe untill the firſt day of January nixt Therefore Her Majestie with advyce and conſent of the Eſtates of Parliament hereby Prorogats the ſuſpenſion of the ſaid clauſe untill the ſaid firſt day of January nixt allennerly And that in the ſame manner and under the same Certifications as are contained in the ſaid former Act paſt in this Seſsion of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten of the clock.

FEBRUARY XXVI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[African & Indian Company] REPORT of the Committee anent the Accompts of the African and Indian Company was brought in and read And it was moved That the ſame ſhould be printed for Information.

MOVED alſo To proceed to the conſideration of the ſaid Report and that the ſame be read & proceeded on paragraph by paragraph.

AND after reaſoning thereon The vote was ſtated Proceed to the conſideration of the Report or Print the ſame.

AND before voteing It was agreed That if it ſhould carry Print the ſame ſhould notwithstanding thereof be proceeded on the next Sederunt of Parliament.

THEN the vote was put Proceed or Print and it carried Print.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Monday next at ten of the clock.

MARCH III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

[African & Indian Company] REPORT of the Committee anent the Accompts of the African & Indian Company again read.

AS alſo an Overture anent the accompts of the ſaid Company brought in and read, And after diſcourſe thereon, It was moved to proceed on the Report of the Committee.

MOVED alſo to delay proceeding till the next Sederunt of Parliament that the Overture be printed, And after debate It was put to the vote Proceed to the Report of the Committee or Print the Overture And it carried Print.

[Alex^{r} Colvill of Kincardine] WARRAND granted on a Petition to cite the Creditors of Alex^{r} Colvill of Kincardine in order to his obtaining a protection.

PETITION Lady Mary Bruce & Wm Cochran of Ochiltree her husband against the Earle of Kincardine and Ansuers thereto, read, and the deſire of the petition granted in the terms of the deliverance thereupon.

[Act & Remit to the Seſsion Lady Mary Bruce & William Cochran of Ochiltree her husband against the Earl of Kincardine]

[Council of Trade] REPRESENTATION from the Council of Trade reporting to the Parliament their procedure, and Recommending their Clerk and other perſons imployed by them for a gratification for their pains read, And it was agreed to give the Council of Trade the thanks of the Houſe for their pains and attendance; and to take the caſe of the Clerk and other persons imployed by them to consideration when the Parliament comes to consider the publick debts.

PETITION for Sr John Schaw of Greenock & Sr Archibald Campbell of Clunies craving payment of a ſum expended by them in proſecution of their Commiſsion, for keeping out of Iriſh victual &c. and ane allowance in tyme coming read and the deſire thereof granted in the terms of the deliverance thereon.

Recommendation in favours of Sir John Schaw of Greenock and Sir Archibald Campbell of Clunies

AT EDINBURGH the third day of March I^{m} vij^{c} and seven years Her Majesties High Commiſsioner and the Eſtates of Parliament having heard the petition of Sir John Shaw of Greenock and Sir Archibald Campbell of Clunes Shewing that the Petitioners having obtained a Commiſsion from the Lords of her Majesties Privie Council in October I^{m} vij^{c} and five for executeing the severall Laws and Acts of Parliament againſt importing of victual horſe beef cattle butter cheeſe & woollen manufacture from Ireland into this kingdome And for the more effectuall execution of that Commiſsion the petitioners did undertake to outrig and mentain two Berlines to guard the Coaſts and found ſufficient Caution to pay ten merks for every boll of victuall that ſhould be imported and not seized and for exact diligence in the execution of that Commiſsion for which the Petitioners had ane allowance of ten thouſand

merks This undertakeing was attended with so much difficulties that noe former endeavours of such as were imployed in that office did never in the leaſt attain to the end and Irish victual and other prohibited goods have from time to time been imported into ſome or other of the weſtern Coaſts but the petitioners have fully anſwered the truſt repoſed in them and by their indefatigable pains and great expenſes have made it appear that the undertakeing is practicable And during their Commiſsion the forſaid unwarrantable Importation of Irish victual and other prohibit goods hath been effectually restrained whereby the petitioners have been engadged in vaſt and unforeſeen expenſes not only by allowances to deputs in ſeverall diſtricts and for Intelligence But likewiſe in providing Birlens manned and equipped to cruize along the Coaſts in the greateſt ſtorms in winter which were projected to be but open boats when the petitioners [commiſsions] were firſt granted Yet when they came to the practice It was found neceſsary that one of them should be aboard on each of theſe Berlens in the moſt rigid ſeaſons and for preſervation of the Petitioners lives and souldiers and ſeamen imployed in them to beſtow great expenſes in makeing them fit for their buſsineſs which they did ſo effectually that no boat or bark coming from Ireland could paſs without the Petitioners knowledge of her and her cargo which effectually reſtrained that unlawfull and unprofitable trade with Ireland as is well known to all the heretors in the weſt Countrey which alſo gave encouragement to bring about a conſiderable quantity of victual from the north This great work could not be performed without a vaſt charge for building and outrigging the birlins skipper's and seamens wages with their neceſsary proviſions & sallarys to deputs & their servants of which no eſtimate could be made without a tryall But the Petitioners spared nothing to make the thing effectuall not doubting that the Government would be careful to repair their loſses in the service of the publick and accordingly they had deburſed the sum of six thouſand seven hundred thirty three pounds seventeen shillings two pennies Scots money conform to ane particular accompt given in with the said petition not reckoning their perſonall expences or any allowance for their pains nor yet the wages and maintainance of their skippers & seamen which according to the preſent eſtabliſhment extends to four pound to each skipper and twenty three shillings Sterling to each seaman per moneth for wages and six pence per diem for maintainance being in haill for the space of a year the sum of three thouſand five hundred & seventy one pounds sixteen shilling, and each birling had a skipper and four seamen ever since their being outrigg'd till this day whereupon they were ready to depone And further, the petitioners muſt beg leave to repreſent to his Grace and their Lordſhips that over and above the two particular sums before expreſt there were neceſsarly wared out of perſonall expences the sums of money reſpective underwritten To wit by Colloncll Patrick Ogilvy of Cairns the sum of a thouſand pounds Scots for himself and upon Intelligencers and the said Sir John Schaw of Greenock for himself and upon Intelligencers his diſtrict being be far the place of greateſt conſumption & traffick the sum of three thouſand & ſix hundred pounds Scots and the said Sir Archbald Campbell for himself and upon Intelligencers the sum of one thouſand & six hundred pounds Scots Wherupon all and ſundry the reſpective sums above set down the said petitioners were willing to depone which in haill extends to the sum of sixteen thouſand five hundred & five pounds Scots Whereby it appeared that they were superexpended in the sum of nine thouſand eight hundred thirty nine pounds Scots over & above the ten thouſand merks allowed and their vigilance and exact execution of the Laws was such that they speedily put a stop to all importation and had no valuable seizours to defray any part of the said accompt which were interrupted by their vigilance as aforesaid Therefore Craving his Grace and honourable Eſtates of Parliament in conſideration of the premiſes to ordain the Petitioners to be reimburſed in so far as they were truely loſers in the faithfull and diligent execution of their Commiſsion to the general benefit and advantadge of the Nation extending to the sum of nine thouſand eight hundred and thirty nine pounds Scots with a farther allowance and conſideration of their pains yearly mantainance of their skippers & seamen in time coming according to the above eſtabliſhment upon some sure & effectuall fund that they might be encouradged to proſecute this publick good and put the buſineſs in such a method as it might not miscary for the future as the said petition bears With which there was produced the forſaid Accompt and an aſsignation to them by the said Colonell Patrick Ogilvie And her Majesties High Commiſsioner and the said Estates of Parliament having conſidered the said petition and being therwith well and riply adviſed They found & hereby finds That there is due & ought to be payed to the petitioners for their deburſements the above sum of nine thouſand eight hundreth thirty nine pounds Scots and that the same is a publick debt and that the petitioners manadgment in the matter to them committed has been exact & faithfull and to the publick advantadge of the Nation and therefor ought to be continued And having likeways conſidered what sums will be neceſsar for the ends mentioned in the Contracts paſt betwixt the Lords of Council and the petitioners on the one & other parts They found & hereby find That the discharge of the truſt committed to the petitioners will require a greater sum than the ten thouſand merks formerly allowed And have remitted and hereby remits to her Majesties Royall Conſideration what further

ſum shall be allowed yearly for executing the said Commiſsion in tyme coming and alſo for payment of the above sum of nine thouſand eight hundred thirty nine pounds out of what effectuall fund her Majesty shall think fit.

[Ogilvie of Boyne & George Dundaſs] AGREED that the action at the instance of S[r] Patrick & James Ogilvies elder & younger of Boynd against their Creditors ſhall be called & taken into conſideration first of all private buſsines, and next thereunto the action at the inſtance of George Dundaſs against his Creditors.

[Acts approven] THEN the following Acts viz. Act anent foreſtairs and outſhotts in that Wynd called Mary wynd in the burgh of Stirling, Act in favours of the Earle of Linlithgow and Callender, and Act in favours of the Lady Litlegill and her ſon were all ſeverally read a ſecond tyme and ſeperately voted and approven.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten of the clock.

MARCH V, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

UPON a motion made in favours of M[r] James Anderſon he was Recommended to Her Majestie in the terms of a Recommendation apart ſigned by the Lord Chancellor.

Recommendation in favours of M[r] James Anderson AT EDINBURGH, the Fifth day of March, One thousand seven hundred and seven Years, Her Majesty's High Commiſsioner, and the Estates of Parliament, do humbly Recommend to Her Majesty to enable Mr. James Anderson to prosecute the work this Parliament hath employed him to perform, by being graciously pleased to order payment to be made to him of the Sums mentioned in the Report of the Committee concerning him, ratified in Parliament, so far as they exceed the Sums to be paid by the Town of Dundee to him. And in consideration of his good Services to his Country, and of the Loſses he suffers by the Interruption of his Employment, in prosecuting the said Work, do further recommend him to Her Majesty as a Person meriting her gracious Favour, in conferring any Office or Trust upon him, as Her Majesty in Her Royal Wisdom shall think fit; And do desire the said Mr. James Anderson to proceed in the Work before mentioned.

SEAFIELD Cancellar. I. P. D. P.

[Officers of the Army] PETITION for the Officers of the Army in relation to the payment of their arrears read, And it was agreed that the ſame ſhall be taken to consideration when the Parliament comes to conſider the publict debts.

[African & Indian Company] REPORT of the Committee anent the Accompts of the African and Indian Company again read, As alſo the Overture anent the Accompts of the ſaid Company, And after reaſoning thereon.

IT was agreed that thoſe of the African Company who paid the first moity of the ſeven and a half per Cent. and therein got allowance of the annualrent of Twenty five per Cent. formerly paid from the first of June I[m] vj[c] ninety ſix to the first of August I[m] vj[c] ninety eight ſhall not now have allowance of the annualrent of the ſaid twenty five per Cent. preceeding the ſaid first of August I[m] vj[c] ninety eight years and remitted to the Committee to Rectifie the Accompt accordingly.

THE Committee appointed to meet to morrow at nyne of the Clock.

THEN the Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Friday next at ten of the clock.

MARCH VII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Remit anent Dr George Stirling of Lethem] PETITION Doctor George Stirling of Lethem craving payment for his fathers service and medicaments as Her Majesties Apothecarie and Chirurgion the space therein mentioned read and remitted to the Committee to consider and to report their opinion what ſhall be done thereupon.

[Earl of Buchan] ACT in favors of the Earle of Buchan read and a first reading ordered to be marked thereon.

[William Bayne] PETITION for William Bayne brother to the deceaſt James Bayne moved and remitted to the Committee to make a Report thereanent.

THE Proceſs at the instance of Sir Patrick and James Ogilvies elder and younger of Boyne against their Creditors called and being adviſed Protection was granted in the termes and with the qualities and reservations mentioned in the Interlocutor thereupon.

[Protection in favours of Sir Patrick & James Ogilvies of Boyne]

[Protection in favours of George Dundaſs Merchant in Edinburgh]

PETITION George Dundaſs merchant in Edinburgh craving the Continuation and Renewing of a Protection formerly granted read And after Debate thereupon it was put to the vote Grant the desire of the Petition or Not And it carried Grant conforme to the Deliverance thereupon.

[Act in favours of the Town of South Queensferry]

PETITION for the Town of Queensferrie in relation to ſhoar Duties read And after reaſoning thereon It was put to the vote Grant the desire of the Petition or Not And it carried Grant conforme to the Deliverance thereupon.

[Naturalization of Foreigners]

ACT for the Naturalization of Collonell Scipio Hill and other foraigners read a ſecond time And after some additions made thereto it was voted and approven.

ACT in favors of the Earle of Cromarty read a ſecond time and voted and approven.

Act in favours of the Earle of Cromarty for annexing some Lands to the Shyre of Cromartie

OUR SOVERAIGN LADY with consent of the Estates of Parliament Does Statute and Enact that the Lands of Uſie and Usiemilne Achlunachan the two Achtaskylds Gruniard in Lochbroom Achanwie and Fannich Keppoch and Kildounan and all theſe parts of the Barronies of Delnie Genis and Meddatt which George Earle of Cromartie and John Lord Macleod his ſon hold immediately of the Crown as also the Lands of Pitfuire be and are hereby diſsolved from the Sherriffship of Roſs and annexed to the Sherriffdome of Cromartie in all time coming Providing alwayes that they carry along with them the quota of Valuation and Ceſs whereto they are now lyable in the Shire of Roſs: The Ceſs whereof is hereby to be payed in to the Shire of Cromarty.

[John Henry Huguetan]

ACT of Naturalization in favors of John Henry Huguetan read a ſecond tyme and voted and approven.

[Anent burying in Woollen]

OVERTURE for an Act for buricing in Woollen read and a first reading ordered to be marked thereon.

[Preserving the Game]

ACT for preserving the Game read a ſecond time and after ſome amendments voted and approven.

[Sir Patrick Home ag^t the Earl of Home]

AGREED that the action on a protest for remeid of Law at the inſtance of Sir Patrick Home againſt the Earle of Home be called the first day of privat buſineſs.

[Robert Prestoun of that Ilk]

AGREED that the petition for Robert Prestoun of that Ilk and other subtacksmen of Excyse ſhall be taken into conſideration the firſt Sederunt for private buſineſs

[Cochran of Ferguslie]

PETITION William Cochran of Ferguslie tacksman of the Poles 1699 and 1700 with the Report of the Commiſsion of Parliament anent Publick Accompts in relation to the ſaid Poles read and agreed that the same shall be taken into conſideration the first of all private buſineſs.

[Prestongrange ag^t Scott of Harden]

AGREED that the action upon a protest for Remeid of Law at the instance of Prestoungrange against Sir William Scott of Harden and his Lady be called the first day of privat buſineſs after the action at the instance of Sir Patrick Home againſt the Earle of Home.

[Act in favours of William Pyet his kinsmen and relations]

PETITION for William Pyet for himſelf and in name of his kinsmen and relations for changeing their name read And the desire thereof granted.

[Colvill of Kincardin]

ACTION Colvill of Kincardin againſt his Creditors moved And agreed to be called next Sederunt.

[Decreet James Muirhead of Breadisholm ag^t the Lady Breadisholm younger]

TIIE action on a protest for Remead of Law the Lady Breadisholme againſt her father in law called And the parties procurators being heard thereupon After reasoning the vote was put Adhere to the Decreet of the Lords or Modifie an aliment And it carried Adhere.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Munday next at ten of the clock.

MARCH X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Letter from the Queen anent Diſsolving from the Crown the mineralls within the Dukedom of Queensberry]

A LETTER from Her Majestie to the Parliament was presented by the Lord Chancellor and read, acquainting the Parliament that Her Majestie had impowered her Commiſsioner to conſent to ane Act Diſsolving all mines and mineralls within the Dukedome of Queensberry from the Crown in favors of the Duke of Queensberry and his Succeſsors in manner therein exprest [Of which Letter the tenor follows]

ANNE R.

My Lords and Gentlemen

WE have thought fit to Impower our right trusty and right intirely beloved Cousin & Councellor James Duke of Queensberry our Commiſsioner to the present Parliament, to consent to an Act Diſsolving all Mines of Gold, Silver, Tinn, and other Mineralls of whatever Nature, within the Dukedom of Queensberry and Baronies thereto belonging, from the Crown of that our ancient Kingdom and Patrimony thereof, to the end that the same may be disponed by Us and our Royall Succeſsors, To the said James Duke of Queensberry and his Succeſsors in the said Estate in such manner, to be holden of Us and our saids Royall Succeſsors for Payment of such few dutys as we and our saids Royall Succeſsors shall Appoint, for all burden exaction or demand in the most free and absolute manner. And also granting to the said Duke and his heirs such other Immunities Priviledges and Exemptions as have been granted to our right trusty and well beloved Cousin & Councellor The Earle of Hopetoun and his heirs, whereof we thought meet by this speciall letter to acquaint you, That our Estates of Parliament may be the more aſsured of our Royall Pleasure in the matter abovewritten, And that our right trusty and right intirely beloved Cousin and Councellor who Represents our Royall Person in this Parliament, may proceed with greater Authority. And so we bid you heartily farewell. Given at our Court at Kensington the 23d day of January 170$\frac{6}{7}$ and of our Reign the 5th year.

By Her Mats Command

DAVID NAIRNE.

To the Noblemen, and to the Barons Commiſsioners for Shires, and to the Commiſsioners for Burroughs aſsembled in Parliament in our ancient Kingdom of Scotland.

WHEREUPON ane Act of Diſsolution of the mines and mineralls within the Dukedome of Queensberrie from the Crown was given in and read and a first reading was ordered to be marked thereon.

THEREAFTER the six Clerks of Seſsion were Recommended to Her Majestie and to the Lords Commiſsioners of Her Majesties Theſaurie and Exchequer and other Managers of the Publick Revenues for payment of the gratification allowed to them by the Parliament for their pains and services in the terms of a Recommendation thereanent.

Recommendation in favours of the Six Clerks of Seſsion

AT EDINBURGH the tenth day of March Imo vijc° and seven years Anent the Repreſentation given in and preſented to Her Majesties High Commiſsioner and the Eſtates of Parliament by Sir James Dalrymple Mr John McKenzie Alexander Gibson Sir James Juſtice Mr Robert Alexander & James Hamilton the six Clerks of Seſsion Humbly Shewing That a Remuneration be granted to the said Clerks of Seſsion for their extraordinary pains and attendance in frequent and long Seſsions of Parliament since the year Imo vjc° & ninety which have commonly been holden during the sitting of Seſsion whereby the profitable part of their Imployment has been conſiderably diminiſhed, or sometime totally superceded when the Summer Seſsion was adjourned in the years Imo vjc° & ninety three and Imo vjc° & ninety five and by partiall adjournments thereof in the year Imo vjc° & ninety eight and Imo vijc° & four and by the adjournments of the Winter Seſsion for three moneths from the firſt of November Imo vijc° and now for three moneths during the preſent Seſsion of Parliament Which long Seſsions of Parliament and Adjournments of Seſsion was ane emergent damnadge for the public service which never happened to them nor their predeceſsors in office in former times when by the sitting of the Parliament the Seſsion was not adjourned It was therefore humbly conceaved that two hundred pounds Sterling for each of the said Clerks was a moderate Remuneration and it was hoped His Grace and their Lordſhips would ordain payment thereof out of such funds as they should think proper as the said Repreſentation bears Which her Majesties High Commiſsioner and the said Estates having heard and conſidered on the twelvth of February laſt They granted to each of the saids Clerks the sum of two hundreth pounds Sterling as a Remuneration for their bygone services in attending the Parliament and loſses suſtained by them through the frequent interruptions of the sitting of the Seſsion And declared that before ending this Seſsion of Parliament they would determine the manner of payment thereof And her Majesties Commiſsioner and the said Eſtates of Parliament having

accordingly again on this day conſidered that by the forſaid deliverance on the abovementioned Repreſentation made to them by the six Clerks of Seſsion they did give to each of them the sum of two hundred pounds Sterling as a remuneration for their bygone services in Parliament and the loſses they have suſtained by the frequent interruptions of the ſitting of the Seſsion and declared that before ending of this Seſsion of Parliament they would determine the manner of payment thereof And having alſo Conſidered that they cannot determine a fund for preſent payment of the said ſum But being Reſolved that the same shall be effectually secured and payed Did therefore Declare and Do by thir presents Declare the ſaid ſum of Two hundred pound Sterling to each of the saids six Clerks of Seſsion to be a publick debt and Recommended and hereby Recommend them to her Majestie or the Lords Commiſsioners of Theſaury and Exchequer or other Manadgers of the Publick Revenue for payment thereof out of what effectual fund her Majestie ſhall think fit.

[Earl of Buchan] ACT in favors of the Earle of Buchan read a ſecond time and voted and approven.

[Sir Patrick Home ag^t the Earl of Home] UPON a Petition for the Earle of Home Sir David Dalrymple was allowed to plead for him in the action at the instance of Sir Patrick Home againſt the said Earle, And the second Sederunt after this appointed for hearing the ſaid action.

[Quota of Equivalent due to the Indian & African Company] REPORT brought in from the Committee to whom it was remitted the fifth instant to reconſider the Accompt due to the Indian and African Company was read, whereby (deducceing the annual rents formerly allowed by the Company) the total of the sums due to the Company of Stock Interest and Debts at the first of May next will only extend to £232884 : 05 : $\frac{1}{3}$. Sterling.

AND after some reaſoning thereon the vote was put Approve of the above Sum as the quota Yea or Not And it carried Approve.

THEREAFTER it was moved that seeing the quota due to the Indian and African Company was now eſtabliſhed that the diſtribution of the above quota ſhall be committed to the Commiſsioners appointed or to be appointed for diſposeing the equivalent who are to be under the same obligations and qualifications and liable to the same diligence to the several proprietors and creditors of the Company as is contained in the Report of the Committee.

AND it was also moved that the above haill quota shall be payed in together to such persons as are or shall be appointed by the Council General or Directors of the Company for diſtributing thereof in the above terms.

AND after some debate a vote was stated Whither the quota due to the Indian and African Company shall be payed by the Commiſsioners for diſposing of the equivalent who shall be lyable conjunctly and severally in solidum to a charge of horning as upon forraigne bills and inland precepts And that the payment shall be made by the saids Commiſsioners to each particular proprietor without delay loſs or defalcation And that the saids Commiſsioners nor any of them or any other in their name upon their accompt or for their behoove shall not take right to the saids Debts or make compositions or transactions thereanent under the paine of infamie and other paines of law or to persons to be appointed by the Council General and Directors of the Company.

BUT before voteing it was agreed That the members votes shall be marked And that the liſt of their names as they shall vote be printed and recorded.

THEN the vote was put Whither the money shall be payed by the Disposers of the equivalent to the Proprietors or to Persons to be appointed by the Council General And it carried to the Proprietors And the liſt of the Members names as they voted is as follows. [List of Voters]

TO THE PROPRIETORS.

Of the Nobility.

Marq : Tweedale
E : Loudoun Sec :
Mortoun
Glencairn
Galloway
Lauderdale
Wemys
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintore
Dunmore
Hyndfoord
Cromarty
Stair
Rosebery
Glasgow Thes^r Dep^t
Lo : Forbes
Elphingstoun
Blantyre
Fraser

Bamff
Elibank
Lo: Regiſter
Lo: Juſtice Clerk.

Of the Barrons

Sir Robert Dickson of Inverask
Archibald Douglaſs of Cavers
William Bennet of Grubbet
Mr John Murray of Bowhill
Mr John Pringle of Haining
William Moriſon of Preſtongrange
Sir John Johnſtoun of Weſterhall
Mr John Stewart of Sorbie
Mr Francis Montgomery of Giffan
Mr William Cochran of Kilmaronock
Sir John Houſtoun of that Ilk
Sir Robert Pollock of that Ilk
Mr John Montgomerie of Wrae
William Seton younger of Pitmedden
Alexander Grant younger of that Ilk
Sir Kenneth M'Kenzie
Sir James Campbell of Auchinbreck
Alexander Abercrombie of Glaſsoch
James Sinclair of Stempſter
Alexander Dowglaſs of Eagleſhaw
Mr Alexr Abercrombie of Tillibody

Of the Burrows

Sir Patrick Johnſtoun
John Scrymsour
Walter Stewart
Hugh Montgomerie
John Mure
John Black
James Scott
Walter Scott
Sir James Smollet
Mr William Carmichaell
Sir David Dalrymple
Sir Alexr Ogilvie
Mr John Clerk
Mr John Lyon
Mr Dougall Stewart
Sir Hugh Dalrymple
Mr Patrick Ogilvie
George Allardyce
Mr John Caruthers
William Alves
George Home
John Urquhart
Daniell Campbell
Mr Ro: Fraſer
Mr Ro: Douglas
Mr Alexr Maitland
Mr Charles Campbell

TO PERSONS TO BE APPOINTED BY THE COUNCIL GENERAL.

Of the Nobility

M: Montrose P. S. C.
E: Mariſhall
Buchan
Roxburgh
Haddingtoun
V: Kilsyth
Lo: Torphichen

Of the Barrons

Robert Dundaſs of Arniſtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Alexr Campbell of Ceſsnock
Sir Gilbert Elliot of Minto
William Baillie of Lamingtoun
George Baillie of Jerviswood
John Halden of Glenagies
Mungo Grahame of Gorthie
James Halyburtoun of Pitcurr
John Bruce of Kinroſs

Of the Burrows

Robert Inglis
Sr John Anſtruther
Sir John Erskin
James Spitle
Francis Molieson
Sir Andrew Home
Sir Peter Halket
Sir David Cunninghame

ORDERED that the Directors of the Indian and African Company shall betwixt and the first day of May next to come make up exact Lists of the respective Debts which then falls due to the severall proprietors of the said Company or to such persons to whom the samen is transferred by the first proprietors And that the said Lists so made up shall be subſcribed by five of the Directors and by them be delivered in to the managers of the equivalent betwixt and the said day.

AS alſo ordered that the said Directors shall when required give out to every proprietor or person in whose favors transferences are or shall be made exact abbreviats of the particular sums which falls due to each of them at the said first day of May next subſcribed by three of the said Directors and that gratis in order to the proprietors or persons to whom the same is transferred their demanding payment thereof or uſing diligence therefor.

ORDERED lykwayes that the said Directors shall betwixt and the said first day of May next to come make up ane exact accompt of all Debts due

by the said Company and to whom and of the extent of every Creditors debt at the said first day of May nixt And that they shall betwixt and the said day deliver to the Disposers of the equivalent the said accompt duely subscribed by five of the said Directors As alſo that they shall give out to every Creditor an Abbreviat of the particular debts due to him gratis which is to be subſcribed by three of the said Directors to the effect foresaid.

ORDERED that diligence shall paſs and be directed at the instance of the Disposers of the equivalent againſt the Directors of the said Company for recovering of exact liſts and accompts of all the Debts of the Company immediatly after the said first day of May nixt in caſe of their deficiencie.

ORDERED alſo that the said Directors shall betwixt and the said first day of May nixt make up and deliver in as above exact liſts and accompts of the dead stock of the said Company And that the said Directors shall have allowance of the sum of 300 lib Sterling out of the first and readiest of the pryce of the Companies houſe to be disposed of by them for defraying the charges of making up the liſts and accompts.

AND upon a Petition given in by Captain Colin Campbell Captain Charles Stewart Lieutennant Robert Turnbull who were sufferers and loſers in the Companies expedition and service there was a sum allowed to them out of the said dead stock conforme to ane Interlocutor on their petition.

[Act in favours of Captain Colin Campbell Captain Charles Stewart & Lieutenant Robert Turnbull]

AGREED alſo that upon the Commiſsioners for diſpoſing the equivalent their receaving of the above sum of £232884:5:⅓ Sterling there shall be a proclamation iſsued from the Privy Council certiorating the Leidges that the said sum is in their hands And thereupon agreed that the said Company be diſsolved.

[Report anent the Coin]

REPORT brought in from the Committee anent the Coyne was read And the furder consideration thereof delayed till nixt Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

MARCH XI, M.DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PATENT in favors of John Gray of Creichie to be Lord Gray upon a resignation by Patrick Lord Gray read and ordered to be recorded Whereupon he took the oath of alleadgeance subſcribed the same with the aſsurance and took the oath of Parliament [The tenor of which Patent followeth] [Patent in favours of John Lord Gray]

ANNA Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fidei, Defensor Omnibus probis hominibus ad quos presentes Literæ nræ pervenerint Salutem Quandoquidem nos perpendeñ permulta magna et fideliſsima servitia nobis nris, regiis progenitoribus per Dominos de Gray aliosq, de illa familia facť et prestita qui cum graviſsimis hujus regni fidei officiis crediti eſsent semper se geſserint tanqm bonos et fideles subditos tam domi quam foris ut opportuit Et spëaliter consideraň bona et fideliſsima servitia nobis et predeceſsoribus nris per Joannem Gray de Creichie prestita et qui cum nuptus fuerit nunc defunctæ Magistræ Marjoriæ Gray unciæ filiæ et natæ Patricii Domini Gray et alioqui tam intime relatus sit dicť familiæ ut post dicť Patricium Dominum Gray et Magistrum Carolum Gray unicum ejus fratrem superstitem et eorum descendeñ masculos ipse propinquior heres masculus sit in quem honores dicť familiæ devolvi poterint Et qui quidem honores in manibus nris modo subscripť resignať sunt Noveritis Igitur Nos ex nra libera voluntate proprioq, motu Dediſse et conceſsiſse tenoreq, pñtis literæ patentis Dare et concedere predicť Joanni Gray de Creichie duran. omnibus suæ vitæ diebus Et post ejus deceſsum Joanni Gray filio legitimo natu maximo inter illum et predicť defunctam Magistram Marjoriam Gray procreať et heredibus de corpore dicť Joannis Gray junioris Quibus deficieñ aliis filiis natu maximis et heredibus masculis de dicť maritagio procreať et heredibus de eorum corporibus Quibus etiam deficieñ heredi femellæ natu maximæ sine divisione inter predicť Joannem Gray de Creichie et Magistram Marjoriam Gray de Creichie procreať et heredibus de corpore dicť heredis femellæ filia omnimodo natu maxima succedeñ sine divisione et cum et sub diversis provisionibus conditionibus et irritantiis super dicť filiis et heredes femellas in casu earum succeſsionis in proria resignationis subtus mentionat latius content Et deficieñ omnibus liberis de predict maritagio inter predicť Joannem Gray de Creichie et Magistram Marjoriam Gray procreať et heredibus de eorum corporibus propinquiori heredi masculo dicť Patricii Domini Gray et heredibus masculis de cor-

pore dict heredis Quibus deficien heredi masculo de corpore dict Joannis Gray de Creichie de ullo alio maritagio Quo etiam deficien aliis ejus heredibus masculis quibuscunq, Totum et integrum honorem titulum et dignitatem Domini de Gray Baronis et Domini Parliati cum omnibus et singulis dignitatibus privilegiis et præcedentiis prærogativis et immunitatibus eid spectañ sicuti idem per predict Patricium Dominum de Gray vel ullos alios ejus prædeceſsores Dominos de Gray ullo tempore præterito poſſeſſ fuit Qui quidem honos titulus et dignitas Domini de Gray Baronis et Domini Parliamenti cum omnibus et singulis dignitatibus privilegiis præcedentiis et prærogativis eidem spectañ perprius ad predict Patricium Dominum Gray pertinuerunt Et per eum cum consensu Magistri Caroli Gray advocati ejus unici fratris et predict defunctæ Magistræ Marjoriæ Gray ejus unicæ filiæ et natæ Et per dict Mr̃m Carolum Gray et Magistram Marjoriam Gray pro seipsis pro illo et omni jure quod illi ad predict honores habuerunt vel habere potuerunt Et per eos omnes unanimi consensu et aſsensu saltem per eorum legitimos procuratores eorum nominibus per literam procuratoriæ Resignationis per eos lr̃ime desuper conceſſ et subscript de dat duodecimo decimo octavo et trigesimo primo diebus mensis Decembris Anno Domini Millesimo sexcentesimo nonagesimo spc̃aliter constitut in manibus nostris in debita forma vigesimo die mensis Februarii instantis pro nova securitate et patenti Litera ejusd predict Joanni Gray de Creichie duran omnibus ejus vitæ diebus et post ejus deceſsum predict Joanni Gray ejus filio natu maximo ejusq, heredibus talliæ supramentionat in ordine et cum et sub provisionibus et conditionibus in dict prõria conten Dand et Concedend debite et legitime Resignat fuerunt sicuti authentica instrumenta in manibus Jacobi Irving notarii publici desuper sumpt latius proportant Tenen et Haben dict honorem titulum et dignitatem Domini de Gray Baronis et Domini Parliati cum omnibus et singulis dignitatibus privilegiis præcedentiis prærogativis et immunitatibus eidem spectañ per dict Joannem Gray de Creichie duran omnibus suæ vitæ diebus et post ejus deceſsum per dict Joannem Gray juniorem ejus filium et heredes talliæ illi succeden in ordine suprascript et in terminis predict Resignationis De nobis nr̃isq, regiis succeſsoribus In omnibus Parliatis Statuum Conventibus Conciliis privatis et publicis Congreſsibus et Conventibus cum jure loco et potestate inibi sedendi et suffragia dandi similiter adeoq, plene et libere et in eodem statione ordine et modo sicuti ullus Dominus de Gray perprius ullo tempore præterito facere consuetus eſt Et nos volumus et declaramus Quod non obstañ presentis Literæ patentis quandocunq, contigerit dict honorem titulum et dignitatem Domini de Gray per deceſsum dict Patricii Domini de Gray et Joannis Gray de Creichie cadere et ad predict Joannem Gray juniorem ejus filium vel ad ullum alium heredem talliæ predicto Patricio Domino de Gray in sanguine propinquiorem devolvere quod dict Joannes Gray junior dictq, heredes talliæ antedict plenam habebunt potestatem et libertatem predict honorem titulum et dignitatem Domini de Gray omnesq, et singulas dignitates privilegia præcedentias prærogativa et immunitates eidem spectañ fruendi et poſsidendi tam jure sanguinis quam jure presentis Diplomatis et hoc absq, confusione jurium seu jurium extinctione quovis modo In cujus rei Testimonium pñtibus magnum Sigillum nr̃m appendi mandavimus Apud Aulam nostram de Saint James's vigesimo septimo die mensis Februarii Anno Domini Millesimo septingentesimo septimo et anno regni nostri quinto. Per Signaturam manu S. D. N. Reginæ suprascript.

[Minerals within the Dukedom of Queensberry]

ACT of Diſsolution from the Crown of the mines and mineralls within the Dukedome of Queensberrie in favours of his Grace James Duke of Queensberrie read a second time and voted and approven.

PETITION of William Montgomerie servitor to the Lord Chancellor for ane allowance out of the dead stock of the African Company in conſideration of his brothers loſses and service in the expedition of the said Company read and an allowance granted in the terms of a deliverance on the said petition.

[Act in favours of William Montgomery servitor to the Lord Chancellor]

[Report anent debts due by the African & Indian Company]

REPORT brought in from the Committee anent the payment of some debts found due by the African and Indian Company not formerly stated out of the dead stock of the said Company and Recommending severall other persons in conſideration of their loſses and ſufferings to be payed out of the said dead stock read and the Report approven as to the payment of the Companies debts out of the dead stock And the remainder of the said dead stock after payment of six hundred and fifty pound Sterling formerly appointed to be payed furth thereof And after payment of the above debt was granted to be applyed and divided amongst the persons mentioned in the said Report and among the repreſentatives of Mr Alexander Ogilvie Andrew Brown Hugh Roſs and Captain Alexander Montgomerie and none others by such proportions as the Committee shall think fit to whom the determination thereof is remitted.

[Act in favours of the repre-sentatives of Mr Alexr Ogilvie &c.]

[Remit to the Committee concerning the dead stock of the African Company]

[Anent the Coin]

REPORT of the Committee anent the Coyne again read And the first paragraph thereof thereafter read And after some debate thereon the furder conſideration adjourned till nixt Sederunt of Parliament.

THEN the Lord Chancellour by order of Her Majesties high Commiſsioner Adjourned the Parliament till Thursday nixt at ten of the clock.

MARCH XIII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Anent the Coin]

REPORT of the Committee anent the Coyne again read And upon reading of the second paragraph of the said Report that for makeing up of the loſses which private persons may sustain by the Engliſh money as it's now currant in this Kingdome particular persons be appointed before whom all perſons are by Proclamation to be required to compear & tell down what English money they have.

IT was moved that the filling up of the persons and places where the money is to be told down be remitted to the Privy Council.

AND after some diſcourſe thereon the vote was put Remit to the Privy Council to name the perſons places and time, or Determine in Parliament And it carried Remit.

AGREED that the loſs by the Silver Coyne is only to be made up.

AND after severall other additions and amendments the Report of the Committee as amended was approven nemine contradicente.

AND it was remitted to the Privy Council to emit a Proclamation thereanent in such terms and with such orders and appointing the execution thereof after such method and manner as they shall think fit conforme to a particular Remit and Order of Parliament thereanent.

Order & Remit to the Privy Council anent the changeing of the Coin

HER Majesties High Commiſsioner and the Estates of Parliament haveing considered the Report of the Committee anent the Coyne They Doe approve thereof in the terms following And order and appoynt That for changeing the Coinage of the current money in this Kingdome, the Commiſsioners of the Equivalent ſhall be ordained howsoon ever the ſums for the Equivalent ſhall be lodged in their hands to receave all sums of money consisting of money that have past the mint of this Kingdome and all forreigne species at the rates the ſame are now current within this Kingdome except English money and ſhall immediatlie cause pay out of the Equivalent of English money at fyve ſhillings per Croun the equall ſum in tale to what was payed in of the forsaid money presentlie current in Scotland to the persone who payed in the ſaid Scots money and that immediatlie without loſs delay or defalcatione. And for makeing up the loſs which private persons may sustaine by the Engliſh money as now current in this Kingdome when the ſame ſhall be reduced to the Standard of England at fyve ſhillings per Croun Order & Appoynt That the Lords of her Majesties Privie Council Doe name and appoynt particular persones at ſuch pairts and places of the Kingdome as they ſhall think fit before whom all persones are by proclamatione to be required to compear upon one and the ſame day and there tell doun in presence of the ſaid persones one or more to be named by the ſaid proclamatione what Engliſh money they have Which being ſoe enumerated the persons ſoe to be named to ſeal the ſame and detaine it in his presence till ſix aeloak at night that day and immediatlie to deliver back the ſame to the ouner with a Declaratione signed by him before tuo witneſses bearing the ſum exhibited and enumerated togither with the ſum payed out by the pairtie to the teller effeiring to tuentie pence upon each hundered pound Sterling And the foreſaid respective persons to be named by the ſaids Lords of Privie Councill are likeways to write doun ane exact accompt of the respective Certificats granted by him or them and of the persons names to whom and the ſums that ſhall be therein contained And which accompt subscribed under his hand that ſame day before tuo witneſses he is to be ordained to send to the Clerks of Privie Councill under the penaltie of fyve hundered merks And the proclamatione to be published upon the premises is expreſslie to Discharge under a severe penaltie such as the paine of forgerie or other pains the receaving any other money in upon any other day after the precise day to be appoynted by the Privie Councill or altering any Certificats formerlie granted and is to bear ane expreſs

Clause Dischargeing the English money to paſs at any higher rate then it is in England at fyve ſhillings per Croune and soe proportionallie And that it be noe otherways current nor offered nor receaved in payments after the said day And that the ſaid Certificats to be granted by the ſaid respective persones to be named by the Privie Councill ſhall be a sufficient title for recovering the loſs aryseing from the ſums therein contained with what they payed out to the teller out of the Equivalent And the Commiſsioners of the Equivalent are to be expreſslie ordained to pay out the ſame to the bearer of the Certificats without delay loſs or defalcation. And that the ſaid proclamation be published onlie a few days before the ſaid precise day above mentioned to be affixed for telling the money as the Lords of Privie Councill ſhall think fit And that the loſs to be made up be onlie for the ſilver coinage but not the loſs upon Guineas And doe hereby Remit to the Lords of Privie Councill to emitt the ſaid proclamatione in ſuch terms and with ſuch orders and appoynting the Execution thereof after ſuch method and manner as they ſhall think proper.

[Maiden Hospital of Edinburgh] ACT in favors of the Maiden Hoſpital founded by the Company of Merchants of Edinburgh and Mary Areskine read and a first reading ordered to be marked thereon.

PETITION for the Laird of Grant for making effectuall Reparations of some loſses and damnages sustained by him or for renewing to her Majestie a former Recommendation thereanent read and the Desire thereof granted in the terms of the Deliverance thereupon.

[Recommendation in favours of the Laird of Grant]

PETITION Captain Thomas Hay Craving Reparation of some Damnages sustained by him and payment of some arrears read And the petitioner Recommended to Her Majestie in the terms of the Deliverance thereupon.

[Recommendation in favours of Captain Thomas Hay]

ACTION on a Proteſt for Remead of law Sir Patrick Home againſt the Earle of Home called And the parties procurators being fully heard and the Debate adviſed The vote was put Adhere to the Decreet of the Lords of Seſsion or Remit to them to review their own Decreet And it carried Adhere.

[Decreet The Earl of Home ag^{t} Sir Patrick Home]

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Munday next at ten of the clock.

MARCH XVII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT in favors of the Maiden Hoſpital founded by the Company of Merchants in Edinburgh and Mary Areskine read a ſecond time And after some amendments was voted and approven. [Maiden Hospital of Edinburgh]

PETITION for Robert Martine of Burntbrae taxman of the Exciſe of Aberdeen shyre for the year 1693 for making up of some damnages sustained by him in proſecution of his Tack read and he Recommended to Her Majestie in the terms of a delyverance thereupon.

[Recommendation in favours of Robert Martine of Burntbrae]

PETITION for Sir George Hamilton of Tullieallan for approving of the Report of the Commiſsion for Publict Accompts in his favors and stating him Creditor to the publict read and the confideration thereof recommended to Her Majestie.

[Recommendation in favours of Sir George Hamilton of Tulliallan]

OVERTURE for ane Act for ſelling Herring by meaſure read and ordered to be printed. [Selling Herring by measure]

PETITION of the Profeſsors of the University of Edinburgh for augmenting of their Sallaries read and they Recommended to Her Majestie in the terms of a Deliverance thereupon.

[Recommendation in favours of the Profeſsors of the University of Edinburgh]

AS alſo upon a motion made in favors of the Univerſities of St Andrews Glasgow and Aberdeen the Parliament did recommend the Profeſsors of the saids other Univerſities to Her Majestie in the terms of the Recommendation in favors of the Profeſsors of the University of Edinburgh.

[Recommendation in favours of the Profeſsors of the Universities of St Andrews Glasgow & Aberdeen]

[Colledges of Aberdeen] PETITION of the Principal and Profeſsors of the Kings and Mariſhalls Colledge of Aberdeen for allowing them some vacant stipends for carrying on and finishing some publict works and paying their Debts read and ordered to lye on the table.

[Preachers at vacant Churches] OVERTURE for an Act for reſcinding the 15th Act of the 5th Seſsion and the 13th Act of 6th Seſsion of King Williams Parliament read and ordered to lye on the table.

[Anent Cruives] OVERTURE for ane Act anent Cruives read and a firſt reading ordered to be marked thereon and ordered to be printed before a second reading.

THE Action at the instance of John Davie Brewar againſt his Creditors called and Protection granted to him conforme to the Interloquitor on the proceſs.

[Protection in favours of John Davie Brewer]

PETITION for John Henry Huguetan for rectifieing a miſtake in the deliverance on his Petition the fourth day of January laſt read And the deſire granted in the terms of a deliverance thereupon.

[Act in favours of John Henry Huguetan]

PETITION for Sir Robert Blackwood James Nairn William Neilſon and several others owners of the ship St Andrew in relation to the ſaid ship which was seized by a Midleburgh privateer read and recommended to Her Majestie in the terms of a Recommendation on the said Petition.

[Recommendation in favours of Sir Robert Blackwood James Nairn William Neilson & several other owners of the Ship the St Andrew]

THE Action at the instance of Colvill of Kincairden againſt his Creditors called and being adviſed Protection was granted in the terms of the Interloquitor thereupon.

[Protection in favours of Alexander Colvill of Kincardine]

OVERTURE for an Act for payment of the Capital and Interest to the proprietors of the African and Indian Company of Scotland out of the equivalent read and after some amendments a firſt reading ordered to be marked thereon and ordered to be printed before a ſecond reading.

[African & Indian Company]

ACT for burieing in Woollen read a second time and after reaſoning thereon it was put to the vote, Approve of the Act or not and it carried Approve.

[Anent burying in Woollen]

OVERTURE for an Act concerning Chirurgians and Apothecaries in Edinburgh read a ſecond time.

[Chirurgeons & Apothecaries in Edinburgh]

PETITION for the Royal Colledge of Phyſicians in Edinburgh against the said Act alſo read And after reaſoning it was moved that the Phyſicians ought to be cited before the Act can paſs And it was alſo moved that the Phyſicians be heard thereanent next Sederunt of Parliament.

[Petition Royal Colledge of Physicians]

AND after furder reaſoning the vote was stated Hear the parties procurators next Sederunt or Cite and it carried Cite.

PETITION for William Cochran of Ferguslie in relation to his exoneration of the ballance of his tack dutie for the poles imposed by the Parliament 1698 read, And the Desire thereof granted conforme to the Deliverance on the petition.

[Act in favours of William Cochran of Ferguslie]

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till Wednesday next at ten of the clock.

MARCH XIX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN my Lord Commiſsioner made the following speech viz.

" My Lords and Gentlemen

[Exemplification of the Act of the Parliament of England ratifying the Treaty of Union presented by the Lord Commissioner & ordered to be recorded]

I HAVE received by Her Majesties command an Exemplification under the Great Seal of England of the Act past in the Parliament of that Kingdom Ratifieing the Treaty of Union in the same terms as the Treaty was paſt here.

HER Majesty orders it to be inserted in the Books of Parliament and to remain with the Records of this Kingdome for which end I have put it in my Lord Clerk Registers hand.

My Lords and Gentlemen

IT'S a great satisfaction to the Queen that the Union is thus happily concluded in her reign and I'm commanded by Her Majesty to aſsure you that nothing shall be omitted on her pairt to make the whole Island feel the good effects of it.

AND as I doubt not but the finiſhing of this great affair is acceptable to you, so I hope you will study to promote a cordial union with our neighbours for the greater happineſs and advantage of both Kingdoms."

THEN the Exemplification of the Act of the Parliament of England ratifieing the Treaty of Union betwixt Scotland and England under the Great Seal of England was read and ordered to be recorded [Whereof the Tenor follows.]

EXEMPLIFICATION under the Great Seal of England, of the Act of the Parliament of that Kingdom Intituled An Act for an Union of the Two Kingdoms of England and Scotland.

ANNA Dei gratia Anglie Scocie Francie et Hibernie Regina Fidei Defensor &c. OMNIBUS ad quos preſentes Litere pervenerint Salutem INSPEXIMUS quoddam Breve noſtrum de Certiorand e Cur Cancellar noſtre nuper emanan Dilecto et Fideli noſtro Matheo Johnson Armigero Clerico Parliamentorum noſtrorum direct vnacum quodam Retorno sive Indorſamento in Dorſo ejuſdem Brevis indorſato et inſerto in dictam Cancellar noſtram retornatum et in filacijs ibm de Recordo reſiden in hec verba ANNA Dei gra Angl Scoc Franc et Hibnie Regina Fidei Defenſor &c. Dilco sibi Matheo Johnſon Ar Clico Parliamentor suor Salm Volentes certis de Cauſis Certiorari ſuper tenorem cujuſdam Actus in inſtanti Parliamento noſtro apud Weſtin fact et ordinat intitulat An Act for an Union of the two Kingdoms of England and Scotland Vobis Mandamus quod tenorem Actus predict cum omnibus itt tangentibus Nobis in Cancellar nram sub Sigillo vro diſtincte et aperte sine dilone mittatis et hoc bre Teſte meipa apud Weſtin sexto die Martij Anno Rgni nri quinto *Wrighte* Executio huius Bris patet in quadam Schedula huic Bri annex &c. prout interius mihi precipitur *Math* : *Johnſon* Cler Parliamentor INSPEXIMUS etiam Scedulam premenconatam continentem tenorem Actus predict eidemque Brevi annex Manu et Sigillo Mathei Johnſon Signat et Sigillat in Cancellar nram predictam sili retornat et in filacijs ibm de Recordo quoque reſiden in hec verba IN PARLIAMENT Inchoat apud Weſtmonaſter decimo quarto die Junij Anno Domini Milleſimo Septingenteſimo Quinto Annoque Regni Sereniſſime Dne nre Anne Dei grat Angl Scoc Franc & Hibnie Regin Fidei Defenſor &c. Quarto Comuni omnium Dnor tam Spialium quam Temporal et Comuniis &c. Conſenſu et Regie Maieſtatis Aſſenſu (inter alia) Sancitum Inactitatum et Stabilitum fuit hoc ſequens Statutum viz: AN ACT for an Vnion of the Two Kingdoms of England and Scotland Cuius quidem Tenor ſequitur in his verbis MOST GRACIOUS SOVEREIGNE WHEREAS Articles of Vnion were agreed on the twenty ſecond day of July in the fifth yeare of your Majesties Reign by the Commiſsioners nominated on behalfe of the Kingdom of England vnder your Majesties Great Seal of England bearing date at Westminſter the tenth day of April then laſt paſt in purſuance of an Act of Parliament made in England in the third year of your Majesties Reign and the Commiſsioners nominated on the behalf of the Kingdom of Scotland vnder your Maiesties Great Seal of Scotland

bearing date the twenty seventh day of February in the Fourth year of your Maiesties Reign in pursuance of the Fourth Act of the Third Seſsion of the preſent Parliament of Scotland to treat of and concerning an Vnion of the ſaid Kingdoms AND WHEREAS an Act hath paſsed in the Parliament of Scotland at Edinburgh the Sixteenth day of January in the Fifth year of your Majesties Reign wherein 'tis mentioned that the Eſtates of Parliament conſidering the ſaid Articles of Vnion of the two Kingdoms had agreed to and approved of the ſaid Articles of Vnion with some Additions and Explanations And that Your Majeſty with advice and conſent of the Eſtates of Parliament for Eſtabliſhing the Proteſtant Religion and Preſbyterian Church Government within the Kingdome of Scotland had paſsed in the ſame Seſsion of Parliament an Act Intituled Act for ſecuring of the Proteſtant Religion and Preſbiterian Church Government which by the Tenor thereof was appointed to be incerted in any Act Ratifying the Treaty and expreſsly declared to be a Fundamental and Eſsential Condition of the ſaid Treaty or Vnion in all times coming The Tenor of which Articles as Ratified and Approved of with Additions and Explanations by the ſaid Act of Parliament of Scotland follows ARTICLE (1) THAT the Two Kingdoms of ENGLAND and SCOTLAND ſhall vpon the first day of May which shall be in the year One Thousand Seven Hundred and Seven and for ever after be vnited into One Kingdom by the Name of GREAT BRITAIN And that the Ensigns Armorial of the ſaid Vnited Kingdom be such as Her Majesty ſhall appoint and the Croſses of SAINT GEORGE and SAINT ANDREW be conjoined in ſuch manner as Her Majesty ſhall think fit and vſed in all Flags Banners Standards and Ensigns both at Sea and Land ARTICLE (2) THAT the Succeſsion to the Monarchy of the United Kingdome of Great Britain and of the Dominions thereto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be remain and continue to the Most Excellent Princeſs SOPHIA Electoreſs and Dutcheſs Dowager of Hannover and the Heirs of Her body being Protestants vpon whom the Crown of England is ſetled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the further Limitation of the Crown and better ſecuring the Rights and Liberties of the Subject And that all Papists and persons marrying Papists ſhall be excluded from and for ever incapable to inherit poſseſs or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof And in every ſuch caſe the Crown and Government ſhall from time to time deſcend to, and be enjoyed by such person being a Protestant as ſhould have Inherited and Enjoyed the same in caſe such Papist or perſon marrying a Papist was naturally dead according to proviſion for the Deſcent of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown ARTICLE (3) THAT the Vnited Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain ARTICLE (4) THAT all the Subjects of the Vnited Kingdom of Great Britain ſhall from and after the Vnion have full Freedom and Intercourſe of Trade and Navigation to and from any port or place within the ſaid Vnited Kingdom and the Dominions and Plantacõns thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwise expresly agreed in theſe Articles ARTICLE (5) THAT all Ships or veſsels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Vnion of the Two Kingdoms in the Parliament of Scotland tho' forreign built be deemed and paſs as ships of the built of Great Britain the Owner or where there are more Owners one or more of the Owners within Twelve Months after the first of May next making Oath that at the time of Ratifying the Treaty of Vnion in the Parliament of Scotland the same did in whole or in part belong to him or them or to some other Subject or Subjects of Scotland to be particularly named with the place of their respective abodes And that the same doth then at the time of the ſaid Depoſicõn wholly belong to him or them and that no forreigner directly or indirectly hath any ſhare part or interest therein Which Oath ſhall be made before the chief Officer or Officers of the Customs in the Port next to the abode of the ſaid Owner or Owners And the ſaid Officer or Officers ſhall be Impowered to Adminiſter the ſaid Oath And the Oath being ſo administred ſhall be Attested by the Officer or Officers who administred the same And being Registred by the ſaid Officer or Officers ſhall be delivered to the Master of the ship for security of her Navigation and a Duplicate thereof ſhall be transmitted by the said Officer or Officers to the chief Officer or Officers of the Customs in the port of Edingburgh to be there Entered in a Register and from thence to be ſent to the port of London to be there Entered in the General Register of all Trading ſhips belonging to Great Britain ARTICLE (6) THAT all parts of the Vnited Kingdom for ever from and after the Vnion ſhall have the same Allowances Encouragements and Drawbacks and be under the ſame Prohibitions Restrictions and Regulations of Trade and lyable to the same Customes and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Re-

ſtrictions and Regulations of Trade and the Customs and Duties on Import and Export ſettled in England when the Vnion commences ſhall from and after the Vnion take place throughout the whole Vnited Kingdom excepting and reſerving the Duties upon Export and Import of ſuch particular Commodities from which any perſons the Subjects of either Kingdom are ſpecially Liberated and Exempted by their private Rights which after the Vnion are to remain ſafe and entire to them in all reſpects as before the ſame And that from and after the Vnion no Scots Cattle carried into England ſhall be lyable to any other Dutyes either on the publick or private Accounts than thoſe Dutyes to which the Cattle of England are or ſhall be lyable within the ſaid Kingdom And ſeeing by the Laws of England there are Rewards granted vpon the Exportation of certain kinds of Grain wherein Oats grinded or vngrinded are not expreſsed that from and after the Vnion when Oates ſhall be ſold at fifteen ſhillings Sterling per quarter or vnder there ſhall be payed two ſhillings and ſix pence Sterling for every quarter of the Oatmeal exported in the terms of the Law whereby and ſo long as Rewards are granted for Exportation of other Grain And that the Beer of Scotland have the ſame Rewards as Barley And in reſpect the Importac̃ons of Victual into Scotland from any place beyond Sea would prove a Diſcouragement to Tillage Therefore that the Prohibition as now in force by the Law of Scotland againſt Importac̃on of Victualls from Ireland or any other place beyond Sea into Scotland doe after the Vnion remain in the ſame force as now it is until more proper and effectual wayes be provided by the Parliament of Great Britain for diſcourageing the Importac̃on of the ſaid Victuals from beyond Sea ARTICLE (7) THAT all parts of the Vnited Kingdom be for ever from and after the Vnion lyable to the ſame Exciſes upon all Exciſeable Liquors excepting only that the thirty four Gallons Engliſh Barrel of Beer or Ale amounting to twelve Gallons Scots preſent meaſure ſold in Scotland by the Brewer at nine ſhillings ſix pence Sterling excluding all Duties and Retailed including Duties and the Retailers profit at two pence the Scots pint or eight part of the Scots Gallon be not after the Vnion lyable on account of the preſent Exciſe upon Exciſeable Liquors in England to any higher Impoſition than two ſhillings Sterling vpon the forſaid thirty four Gallons Engliſh barrel being twelve gallons the preſent Scots meaſure And that the Exciſe ſettled in England on all other Liquors when the Vnion commences take place throughout the whole United Kingdom ARTICLE (8) THAT from and after the Union all forreign Salt which ſhall be Imported into Scotland ſhall be charged at the Importation there with the ſame Duties as the like Salt is now charged with being Imported into England and to be levied and ſecured in the ſame manner. But in regard the Duties of great quantities of forreign Salt Imported may be very heavy vpon the Merchants Importers That therefore all forreign Salt imported into Scotland ſhall be Cellared and Locked vp vnder the cuſtody of the Merchants Importers and the Officers imployed for levying the Dutyes upon Salt And that the Merchant may have what quantity thereof his occaſions may require not vnder a Wey or forty Buſhells at a time Giving ſecurity for the duty of what quantity he receives payable in ſix Months But Scotland ſhall for the ſpace of ſeven Years from the ſaid Vnion be Exempted from paying in Scotland for Salt made there the Duty or Exciſe now payable for Salt made in England But from the Expirac̃on of the ſaid ſeven years ſhall be ſubject and lyable to the ſame Duties for Salt made in Scotland as ſhall be then payable for Salt made in England to be levied and ſecured in the ſame manner and with proportionable Drawbacks and Allowances as in England with this exception that Scotland ſhall after the ſaid ſeven years remain exempted from the Duty of two ſhillings four pence a Buſhel on home Salt Impoſed by an Act made in England in the Ninth and Tenth of King William the Third of England And if the Parliament of Great Britain ſhall at or before the expiring of the ſaid ſeven years ſubſtitute any other fund in place of the ſaid two ſhillings four pence of Exciſe on the buſhel of Home Salt Scotland ſhall after the ſaid ſeven years bear a proportion of the ſaid Fund and have an Equivalent in the Terms of this Treaty And that during the ſaid ſeven years there ſhall be payed in England for all Salt made in Scotland and imported from thence into England the ſame duties vpon the Importac̃on as ſhall be payable for Salt made in England to be levied and ſecured in the ſame manner as the Duties on forreign Salt are to be levied and ſecured in England And that after the ſaid ſeven years as long as the ſaid Duty of two ſhillings four pence a Buſhel vpon Salt is continued in England the ſaid two ſhillings and four pence a Buſhel ſhall be payable for all Salt made in Scotland and imported into England to be levied and ſecured in the ſame manner And that during the continuance of the Duty of two ſhillings four pence a Buſhel upon Salt made in England no Salt whatſoever be brought from Scotland to England by Land in any manner vnder the penalty of forfeiting the Salt and the Cattle and Carriages made vſe of in bringing the ſame and paying twenty ſhillings for every Buſhel of ſuch Salt and proportionably for a greater or leſſer quantity for which the Carrier as well as the Owner ſhall be lyable jointly and ſeverally And the perſons bringing or carrying the ſame to be impriſoned by any one Juſtice of the Peace by the ſpace of ſix months without Bail and until

the penalty be payed And for Eſtabliſhing an equality in Trade That all Flesh exported from Scotland to England and put on Board in Scotland to be Exported to parts beyond the Seas and provision for ships in Scotland and for forreign voyages may be salted with Scots Salt paying the same Duty for what Salt is so employed as the like quantity of such Salt pays in England and under the same penalties forfeitures and provisions for preventing of frauds as are menc̃oned in the Laws of England And that from and after the Vnion the Laws and Acts of Parliament in Scotland for Pineing Curing and Packing of Herrings White Fish and Salmond for Exportation with Forreign Salt only without any mixture of British or Irish Salt and for preventing of frauds in Curing and Packing of Fish be continued in force in Scotland subject to such alterac̃ons as ſhall be made by the Parliament of Great Britain And that all Fish exported from Scotland to parts beyond the Seas which ſhall be Cured with Forreign Salt only and without mixture of British or Irish Salt ſhall have the same Eases Premiums and Drawbacks as are or ſhall be allowed to such persons as Export the like Fish from England And that for Encouragement of the Herring Fishing there ſhall be allowed and payed to the Subjects Inhabitants of Great Britain during the present allowances for other Fish ten ſhillings five pence Sterling for every Barrel of White Herrings which ſhall be exported from Scotland And that there ſhall be allowed five ſhillings Sterling for every Barrel of Beef or Pork salted with Forreign Salt without mixture of British or Irish Salt and Exported for sale from Scotland to parts beyond Sea alterable by the Parliament of Great Britain And if any matters of fraud relating to the ſaid Duties on Salt ſhall hereafter appear which are not ſufficiently provided against by this Article the same ſhall be subject to such further provisions as ſhall be thought fitt by the Parliament of Great Britain ARTICLE (9) THAT whensoever the sum of One million nine hundred ninety ſeven thouſand ſeven hundred and sixty three pounds eight ſhillings and four pence half penny ſhall be Enacted by the Parliament of Great Britain to be raised in that part of the Vnited Kingdom now called England on Land and other things vsually charged in Acts of Parliament there for granting an aid to the Crown by a Land Tax that part of the Vnited Kingdom now called Scotland ſhall be charged by the same Act with a further sume of forty eight thousand pounds free of all Charges as the Quota of Scotland to such Tax and ſo proportionably for any greater or leſser sume raised in England by any Tax on Land and other things vsually charged together with the Land And that such Quota for Scotland in the caſes aforeſaid be raised and collected in the same manner as the Ceſs now is in Scotland but subject to such Regulac̃ons in the manner of Collecting as ſhall be made by the Parliament of Great Britain. ARTICLE (10) THAT during the continuance of the respective Duties on Stampt paper Vellom and Parchment by the ſeverall Acts now in force in England Scotland ſhall not be charged with the same respective Duties ARTICLE (11) THAT during the continuance of the Duties payable in England on Windows and Lights which determine on the first day of August One thouſand ſeven hundred and ten Scotland ſhall not be charged with the same Duties ARTICLE (12) THAT during the continuance of the Duties payable in England on Coals Culm and Cynders which determin the thirtieth day of September One thousand ſeven hundred and ten Scotland ſhall not be charged therewith for Coals Culm and Cynders consumed there but ſhall be charged with the same Duties as in England for all Coals Culm and Cynders not consumed in Scotland ARTICLE (13) THAT during the continuance of the Duty payable in England upon Malt which determines the twenty fourth day of June One thouſand ſeven hundred and ſeven Scotland ſhall not be charged with that Duty ARTICLE (14) THAT the Kingdom of Scotland be not Charged with any other Duties laid on by the Parliament of England before the Vnion except theſe consented to in this Treaty in regard it is agreed That all neceſsary Provision ſhall be made by the Parliament of Scotland for the publick Charge and Service of that Kingdom for the year One thousand ſeven hundred and seven Provided nevertheleſs That if the Parliament of England ſhal think fitt to lay any further Imposic̃ons by way of Customs or such Exciſes with which by virtue of this Treaty Scotland is to be charged equally with England in such caſe Scotland ſhall be lyable to the same Customs and Exciſes and have an Equivalent to be ſettled by the Parliament of Great Britain With this further provision That any Malt to be made and consumed in that part of the Vnited Kingdom now called Scotland ſhall not be charged with any Imposic̃on on Malt during this present War And ſeeing it cannot be supposed that the Parliament of Great Britain will ever lay any sort of Burthens upon the Vnited Kingdom but what they ſhall find of neceſsity at that time for the Preservation and Good of the whole and with due regard to the Circumstances and Abilities of every part of the United Kingdom Therefore it is agreed That there be no further Exemption insisted upon for any part of the United Kingdom But that the considerac̃on of any Exemptions beyond what are already agreed on in this Treaty ſhall be left to the determination of the Parliament of Great Britain ARTICLE (15) THAT whereas by the Termes of this Treaty the Subjects of Scotland for preserving an Equality of Trade throughout the Vnited Kingdom will be lyable to ſeverall Cus-

toms and Excifes now payable in England which will be applicable towards payment of the Debts of England contracted before the Union It is agreed That Scotland ſhall have an Equivalent for what the Subjects thereof ſhall be ſo charged towards payment of the ſaid Debts of England in all particulars whatsoever in manner following videlicet That before the Vnion of the ſaid Kingdoms the sum of three hundred ninety eight thousand and eighty five pounds ten ſhillings be granted to Her Majesty by the Parliament of England for the vſes aftermenc̃oned being the Equivalent to be answered to Scotland for such parts of the ſaids Customes and Excifes upon all Excifeable Liquors with which that Kingdom is to be charged upon the Vnion as will be applicable to the payment of the ſaid Debts of England according to the proportions which the present Customs in Scotland being thirty thouſand pounds per annum do bear to the Customs in England computed at One million three hundred fourty one thouſand five hundred and fifty nine pounds per annum And which the present Excifes on Excifeable Liquors in Scotland being thirty three thouſand and five hundred pounds per annum do bear to the Excifes on Excifeable Liquors in England computed at nine hundred fourty ſeven thouſand six hundred and two pounds per annum Which sum of three hundred ninety eight thouſand eighty five pounds ten ſhillings ſhall be due and payable from the time of the Vnion And in regard That after the Vnion Scotland becoming lyable to the ſame Customs and Duties payable on Import and Export and to the same Excifes on all Excifeable Liquors as in England as well upon that account as upon the accompt of the Increaſe of Trade and People (which will be the happy consequence of the Vnion) the ſaid Revenues will much improve beyond the before mentioned annual values thereof of which no present Estimate can be made Yet nevertheleſs for the reasons aforeſaid there ought to be a proportionable Equivalent answered to Scotland It is agreed That after the Vnion there ſhall be an Accompt kept of the ſaid Duties arising in Scotland to the end it may appear what ought to be answered to Scotland as an Equivalent for such proportion of the ſaid encreaſe as ſhall be applicable to the payment of the Debts of England And for the further and more effectuall answering the severall ends hereafter menc̃oned It is agreed that from and after the Vnion the whole Encreaſe of the Revenues of Customes and Duties on Import and Export and Excifes vpon Excifeable Liquors in Scotland over and above the annual produce of the ſaid respective Duties as above stated ſhall go and be applied for the term of ſeven years to the vſes hereafter mentioned And that vpon the ſaid account there ſhall be answered to Scotland annually from the end of ſeven years after the Vnion an Equivalent in proportion to such part of the ſaid Increaſe as ſhall be applicable to the Debts of England And generally that an Equivalent ſhall be answered to Scotland for such parts of the English Debts as Scotland may hereafter become lyable to pay by reason of the Vnion other than such for which appropriations have been made by Parliament in England of the Customs or other duties on Export and Import Excifes on all Excifeable Liquors in respect of which Debts Equivalents are herein before provided And as for the vſes to which the ſaid sum of Three hundred ninety eight thouſand eighty five pounds ten ſhillings to be granted as aforeſaid and all other monies which are to be anſwered or allowed to Scotland as aforesaid are to be applied It is agreed That in the firſt place out of the aforeſaid sum what consideration ſhall be found neceſsary to be had for any Loſses which private persons may sustain by reducing the Coin of Scotland to the Standard and Value of the Coin of England may be made good In the next place That the Capital Stock or fund of the African and Indian Company of Scotland advanced together with the Interest for the ſaid Capital Stock after the rate of Five per Centum per annum from the respective times of the payment thereof ſhall be payed Upon payment of which Capital Stock and Interest It is agreed The ſaid Company be diſsolved and cease And alſo that from the time of paſsing the Act of Parliament in England for raiſeing the ſaid sume of three hundred ninety eight thouſand eighty five pounds ten ſhillings the ſaid Company ſhall neither Trade nor Grant Lycence to Trade Provideing that if the ſaid Stock and Interest shall not be payed in twelve months after the Commencement of the Vnion That then the said Company may from thenceforward Trade or give Lycence to Trade vntil the ſaid whole Capital Stock and Interest ſhall be payed And as to the Overplus of the said sum of three hundred ninety eight thouſand eighty five pounds ten ſhillings after payment of what consideration ſhall be had for loſses in repairing the Coin and paying the ſaid Capital Stock and Interest and alsoe the whole encreaſe of the ſaid Revenues of Customs Duties and Excifes above the present value which ſhall ariſe in Scotland during the ſaid term of seven years together with the Equivalent which ſhall become due vpon the Improvement thereof in Scotland after the ſaid term And also as to all other sums which according to the agreements aforeſaid may become payable to Scotland by way of Equivalent for what that Kingdom ſhall hereafter become lyable towards payment of the Debt of England It is agreed That the same be applied in manner following videlicet That all the publick Debts of the Kingdom of Scotland as ſhall be adjusted by this present Parliament ſhall be payed and that two thouſand pounds per annum for

the space of seven years ſhall be applyed towards Encourageing and Promoteing the Manufacture of courſe Wool within thoſe ſhires which produce the Wool And *that* the first two thouſand pounds Sterling be payed at Martinmaſs next and so yearly at Martinmaſs during the space aforeſaid and afterwards the same ſhall be wholly applied towards the Encourageing and Promoteing the Fisheries and such other Manufactures and Improvements in Scotland as may most conduce to the general Good of the Vnited Kingdom And it is agreed That Her Majesty be Impowered to appoint Commiſsioners who ſhall be accountable to the Parliament of Great Britain for diſpoſing the ſaid sum of three hundred ninety eight thousand and eighty five pounds ten ſhillings and all other monies which ſhall ariſe to Scotland upon the agreements aforesaid to the purpoſes before menc̃oned Which Commiſsioners ſhall be Impowered to call for Receive and Dispoſe of the ſaid monies in manner aforesaid and to Inspect the bookes of the several Collectors of the ſaid Revenues and of all other duties from whence an Equivalent may ariſe and that the Collectors and Managers of the ſaid Revenues and Duties be obliged to give to the ſaid Commiſsioners subscribed authentick Abbreviats of the Produce of such Revenues and Duties ariſeing in their respective Districts and that the ſaid Commiſsioners ſhall have their office within the Limits of Scotland and ſhall in such Office keepe Books containing Accounts of the Amount of the Equivalents and how the same ſhall have been dispoſed of from time to time which may be inspected by any of the Subjects whoe ſhall desire the ſame ARTICLE (16) THAT from and after the Vnion the Coin ſhall be of the ſame standard and value throughout the Vnited Kingdom as now in England And a Mint ſhall be continued in Scotland vnder the same Rules as the Mint in England And the present Officers of the Mint continued subject to such Regulations and Alterac̃ons as Her Majesty Her Heires or Succeſsors or the Parliament of Great Britain ſhall think fit ARTICLE (17) THAT from and after the Union the same Weights and Meaſures ſhall be uſed throughout the Vnited Kingdom as are now Established in England And Standards of Weights and Measures ſhall be kept by thoſe Burghs in Scotland to whome the keeping the Standards of Weights and Measures now in vſe there does of special Right belong All which Standards ſhall be ſent down to ſuch respective Burghs from the Standards kept in the Exchequer at Westminster subject nevertheleſs to ſuch Regulations as the Parliament of Great Britain ſhall think fit ARTICLE (18) THAT the Laws concerning Regulation of Trade Customs and such Exciſes to which Scotland is by virtue of this Treaty to be lyable be the ſame in Scotland, from and after the Vnion as in England and that all other Laws in vſe within the Kingdom of Scotland do after the Vnion and notwithstanding thereof remain in the same force as before (except ſuch as are contrary to or inconſiſtent with this Treaty) but alterable by the Parliament of Great Britain With this difference betwixt the Laws concerning publick Right Policy and Civil Government and thoſe which concern private Right That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole Vnited Kingdom but that no alterac̃on be made in Laws which concern private Right except for evident utility of the subject within Scotland ARTICLE (19) THAT the Court of Seſsion or Colledge of Juſtice doe after the Union and nõtwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Vnion subject nevertheleſs to such Regulac̃ons for the better Administrac̃on of Juſtice as ſhall be made by the Parliament of Great Britain And that hereafter none ſhall be named by Her Majesty or Her Royal Succeſsors to be Ordinary Lords of Seſsion but ſuch who have ſerved in the Colledge of Juſtice as Advocats or Principal Clerks of Seſsion for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Seſsion vnleſs he vndergo private and publick Tryal on the Civil Law before the Faculty of Advocates and be found by them qualified for the ſaid Office two years before he be named to be a Lord of the Seſsion yet ſo as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Seſsion may be altered by the Parliament of Great Britain And that the Court of Juſticiary do also after the Vnion and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the ſame Authority and Priviledges as before the Vnion subject nevertheleſs to such Regulac̃ons as ſhall be made by the Parliament of Great Britain and without prejudice of other Rights of Juſticiary And that all Admiralty Jurisdictions be under the Lord High Admiral or Commiſsioners for the Admiralty of Great Britain for the time being And that the Court of Admiralty now Established in Scotland be continued And that all Reviews Reductions or Suspensions of the Sentences in Maritime Caſes competent to the Jurisdiction of that Court remain in the same manner after the Vnion as now in Scotland vntil the Parliament of Great Britain ſhall make ſuch Regulations and Alterations as ſhall be judged expedient for the whole Vnited Kingdom ſo as there be alwayes continued in Scotland a Court of Admiralty such as in England for determination of all Maritime Caſes re-

lating to private Rights in Scotland competent to the Jurisdiction of the Admiralty Court subject nevertheleſs to such Regulaćons and Alteraćons as ſhall be thought proper to be made by the Parliament of Great Britain And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheleſs as to the manner of Exerciſeing such Heritable Rights to such Regulations and Alterations as ſhall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the ſaid Limits do remain subordinate as they are now to the Supream Courts of Juſtice within the same in all time coming And that noe Cauſes in Scotland be cognoſcible by the Courts of Chancery Queens-Bench Common Pleas or any other Court in Weſtminſter Hall And that the ſaid Courts or any other of the like nature after the Union shall have no power to Cognoſce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same And that there be a Court of Exchequer in Scotland after the Vnion for deciding Questions concerning the Revenues of Customs and Exciſes there having the same power and authority in such caſes as the Court of Exchequer has in England And that the ſaid Court of Exchequer in Scotland have power of paſsing Signatures Guifts Tutories and in other things as the Court of Exchequer at present in Scotland hath And that the Court of Exchequer that now is in Scotland do remain vntil a New Court of Exchequer be ſettled by the Parliament of Great Britain in Scotland after the Vnion And that after the Vnion the Queen's Majesty and Her Royal Succeſsors may Continue a Privy Council in Scotland for preserving of public Peace and Order until the Parliament of Great Britain ſhall think fit to alter it or establish any other effectual method for that end ARTICLE (20) THAT all heritable Offices Superiorities heritable Jurisdictions Offices for life and Jurisdictions for life be reserved to the Owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty ARTICLE (21) THAT the Rights and Privileges of the Royal Burghs in Scotland as they now are Do Remain entire after the Vnion and notwithstanding thereof ARTICLE (22) THAT by virtue of this Treaty Of the Peers of Scotland at the time of the Union Sixteen ſhall be the number to Sit and Vote in the Houſe of Lords and Forty five the number of the Representatives of Scotland in the Houſe of Commons of the Parliament of Great Britain And that when Her Majesty Her Heires or Succeſsors ſhall Declare Her or their pleaſure for holding the first or any subsequent Parliament of Great Britain vntil the Parliament of Great Britain ſhall make further provision therein a Writ do iſsue under the Great Seal of the United Kingdom Directed to the Privy Councill of Scotland Cōmanding them to Cauſe Sixteen Peers who are to sit in the Houſe of Lords to be Summoned to Parliament and Forty five Members to be Elected to sit in the Houſe of Commons of the Parliament of Great Britain according to the Agreement in this Treaty in such manner as by an Act of this present Seſsion of the Parliament of Scotland is or ſhall be ſettled Which Act is hereby Declared to be as valid as if it were a part of and ingroſsed in this Treaty And that the Names of the Persons so Summoned and Elected ſhall be Returned by the Privy Council of Scotland into the Court from whence the ſaid Writ did iſsue And that if her Majesty on or before the first day of May next on which day the Vnion is to take place ſhall Declare under the Great Seal of England That it is expedient that the Lords of Parliament of England and Commons of the present Parliament of England ſhould be the Members of the respective Houſes of the first Parliament of Great Britain for and on the part of England then the ſaid Lords of Parliament of England and Commons of the present Parliament of England ſhall be the members of the respective Houſes of the first Parliament of Great Britain for and on the part of England And Her Majesty may by Her Royal Proclamation vnder the Great Seal of Great Britain appoint the ſaid first Parliament of Great Britain to Meet at such time and place as Her Majesty ſhall think fit which time ſhall not be leſs than fifty day's after the date of such Proclamation And the time and place of the Meeting of such Parliament being so appointed a Writ ſhall be immediately iſsued under the Great Seal of Great Britain directed to the Privy Council of Scotland for the summoning the Sixteen Peers and for Electing Forty five Members by whome Scotland is to be Repreſented in the Parliament of Great Britain And the Lords of Parliament of England and the Sixteen Peers of Scotland such Sixteen Peers being Summoned and Returned in the manner agreed in this Treaty and the Members of the Houſe of Commons of the ſaid Parliament of England and the Forty five Members for Scotland such Forty five Members being Elected and Returned in the manner agreed in this Treaty shall aſsemble and meet respectively in the respective houſes of the Parliament of Great Britain at such time and place as ſhall be ſo appointed by Her Majesty and ſhall be the Two Houſes of the first Parliament of Great Britain And that Parliament may Continue for such time only as the present Parliament of England might have Continued if

the Union of the Two Kingdoms had not been made vnleſs ſooner Diſsolved by Her Majesty And that every one of the Lords of Parliament of Great Britain and every member of the Houſe of Commons of the Parliament of Great Britain in the first and all succeeding Parliaments of Great Britain vntil the Parliament of Great Britain ſhall otherwayes Direct ſhall take the respective Oaths appointed to be taken in stead of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary entituled An Act for the abrogating of the Oaths of Supremacy and Allegiance and appointing other Oaths and Make Subscribe and audibly Repeat the Declaration menc̃oned in an Act of Parliament made in England in the thirtieth year of the Reign of King Charles the Second entituled An Act for the more effectual preserving the Kings Person and Government by Disabling Papists from sitting in either Houſe of Parliament and ſhall take and subscribe the Oath mentioned in an Act of Parliament made in England in the first year of Her Majesties Reign entituled An Act to Declare the Alterac̃ons in the Oath appointed to be taken by the Act Entituled An Act for the further ſecurity of His Majesties Person and the Succeſsion of the Crown in the Protestant Line and for Extinguishing the Hopes of the pretended Prince of Wales and all other Pretenders and their open and ſecret Abettors and for Declaring the Aſsociation to be determined at such time and in such manner as the Members of both Houſes of Parliament of England are by the said respective Acts directed to take make and subscribe the same upon the penalties and disabilities in the said respective Acts contained And it is Declared and Agreed That theſe words THIS REALM THE CROWN OF THIS REALM and the Queen of this Realm mentioned in the Oaths and Declaration contained in the aforsaid Acts which were intended to signify the Crown and Realm of England ſhall be understood of the Crown and Realm of Great Britain And that in that ſenſe the ſaid Oaths and Declaration be taken and subscribed by the members of both Houſes of the Parliament of Great Britain ARTICLE (23) THAT the aforesaid Sixteen Peers of Scotland menc̃oned in the last preceding Article to sit in the Houſe of Lords of the Parliament of Great Britain ſhall have all Priviledges of Parliament which the Peers of England now have and which They or any Peers of Great Britain ſhall have after the Vnion and particularly the Right of sitting upon the tryals of Peers And in caſe of the tryal of any Peer in time of Adjournment or Prorogation of Parliament the said Sixteen Peers ſhall be ſummoned in the same manner and have the same powers and priviledges at such tryal as any other Peers of Great Britain And that in caſe any tryals of Peers ſhall hereafter happen when there is no Parliament in being the Sixteen Peers of Scotland who ſate in the last preceeding Parliament ſhall be ſumoned in the same manner and have the same powers and priviledges at such tryals as any other Peers of Great Britain And that all Peers of Scotland and their succeſsors to their Honours and Dignities ſhall from and after the Vnion be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Vnion and before all Peers of Great Britain of the like orders and degrees who may be Created after the Union and ſhall be tryed as Peers of Great Britain and ſhall Enjoy all Privileges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same except the Right and Privilege of sitting in the Houſe of Lords and the Privileges depending thereon and particularly the Right of sitting upon the tryals of Peers ARTICLE (24) THAT from and after the Union there be One Great Seal for the United Kingdom of Great Britain which ſhall be different from the Great Seal now vſed in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Vnion be left to Her Majesty And that in the mean time the Great Seal of England be vsed as the Great Seal of the Vnited Kingdom and that the Great Seal of the Vnited Kingdom be vſed for Sealing Writts to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole Vnited Kingdom and in all other matters relating to England as the Great Seal of England is now vſed and that a Seal in Scotland after the Union be alwayes kept and made uſe of in all things relating to private Rights or Grants which have uſually paſsed the Great Seal of Scotland and which onely concern Offices Grants Commiſsions and private Rights within that Kingdom And that vntil such Seal ſhall be appointed by Her Majesty the present Great Seal of Scotland ſhall be vſed for such purpoſes and that the Privy Seal Signet Caſset Signet of the Justiciary Court Quarter Seal and Seals of Courts now vſed in Scotland be Continued but that the ſaid Seals be altered and adapted to the state of the Vnion as Her Majesty ſhall think fit And the ſaid Seals and all of them and the Keepers of them ſhall be subject to such Regulations as the Parliament of Great Britain ſhall hereafter make And that the Crown Scepter and Sword of State the Records of Parliament and all other Records Rolls and Registers whatsoever both Publick and Private Generall and Particular and Warrands thereof Continue

to be keeped as they are within that part of the Vnited Kingdom now called Scotland and that they ſhall ſo remain in all times coming notwithstanding the Union ARTICLE (25) THAT all Laws and Statutes in either Kingdom ſo far as they are contrary to or inconsistent with the Terms of theſe Articles or any of them ſhall from and after the Vnion ceaſe and become void and ſhall be ſo declared to be by the respective Parliaments of the ſaid Kingdoms as by the said Articles of Union Ratified and Approved by the said Act of Parliament of Scotland relation therevnto being had may appear And the Tenor of the aforesaid Act for Securing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland is as follows OUR SOVEREIGN LADY and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Vnion of both Kingdoms It is provided That the Commiſsioners for that Treaty ſhould not Treat of or concerning any alteration of the Worſhip Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and neceſsary that the True Protestant Religion as presently profeſsed within this Kingdom with the Worſhip Discipline and Government of this Church ſhould be effectually and unalterably ſecured Therefore Her Majesty with advice and consent of the ſaid Estates of Parliament Doth hereby Establish and Confirm the ſaid True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more eſpecially Her Majesty with advice and consent aforesaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confeſsion of Faith and ſettling Presbiterian Church Government with all other Acts of Parliament relating thereto in profecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of April One thousand six hundred and eighty nine And Her Majesty with advice and consent aforesaid expreſsly Provides and Declares That the foresaid True Protestant Religion contained in the abovemenćoned Confeſsion of Faith with the form and purity of Worship presently in vſe within this Church and its Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Seſsions Presbyteries Provincial Synods and General Aſsemblies all established by the foresaid Acts of Parliament purſuant to the Claim of Right ſhall Remain and Continue vnalterable and that the ſaid Preſbyterian Government ſhall be the onely Government of the Church within the Kingdom of Scotland. AND further for the greater ſecurity of the foreſaid Protestant Religion and of the Worſhip Discipline and Government of this Church as above established Her Majesty with advice and conſent foreſaid Statutes and Ordains That the Univerſities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law ſhall Continue within this Kingdom for ever And that in all time comeing no Profeſsors Principalls Regents Masters or others bearing office in any University Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the Exerciſe of their ſaid functions but ſuch as ſhall own and acknowledge the Civil Government in manner preſcribed or to be preſcribed by the Acts of Parliament As also that before or at their Admiſsions they do and ſhall acknowledge and profeſs and shall subscribe to the foresaid Confeſsion of Faith as the Confeſsion of their faith and that they will practiſe and conform themselves to the Worſhip presently in vſe in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subverſion of the same and that before the respective Presbyteries of their bounds by whatsoever gift presentation or proviſion they may be thereto provided. AND further Her Majesty with advice aforeſaid expreſsly Declares and Statutes that none of the Subjects of this Kingdom ſhall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconſiſtent with the foreſaid True Protestant Religion and Presbyterian Church Government Worſhip and Discipline as above established And that the same within the bounds of this Church and Kingdom ſhall never be imposed upon or required of them in any sort And Lastly that after the Deceaſe of Her present Majesty (whom God long preserve) the Soveraign succeeding to her in the Royal Government of the Kingdom of Great Britain ſhall in all time comeing at his or her acceſsion to the Crown Swear and Subscribe That they ſhall inviolably maintain and preserve the aforesaid settlement of the True Protestant Religion with the Government Worſhip Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in proſecution of the Claim of Right. AND it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained ſhall be held and observed in all times coming as a fundamentall and eſsentiall Condition of any Treaty or Vnion to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any ſort for ever As also that this Act of Parliament and Settlement therein contained ſhall be Incert and Repeated in any Act of Parliament that ſhall paſs for agreeing and concluding the foresaid Treaty or Vnion betwixt the Two Kingdoms

And that the same ſhall be therein expreſsly Declared to be a fundamentall and eſsentiall Condition of the ſaid Treaty or Union in all time coming. Which Articles of Union and Act imediately abovewritten Her Majesty with advice and consent aforesaid Statutes Enacts and Ordains to be and Continue in all time comeing the sure and perpetuall Foundation of a compleat and intire Vnion of the Two Kingdoms of Scotland and England under the expreſs Condition and Proviſion That this Approbation and Ratification of the foresaid Articles and Act ſhall be noways binding on this Kingdom untill the ſaid Articles and Act be Ratified Approved and Confirmed by her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majesty with and by the Authority of the Parliament of Scotland Declaring nevertheleſs that the Parliament of England may provide for the ſecurity of the Church of England as they think expedient to take place within the bounds of the ſaid Kingdom of England and not Derogating from the ſecurity above provided for the Eſtablishing of the Church of Scotland within the bounds of this Kingdom As alſo the ſaid Parliament of England may extend the Additions and other provisions contained in the Articles of Vnion as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which ſhall not Suspend or Derogate from the force and effect of this present Ratification But ſhall be understood as herein included without the neceſsity of any new Ratification in the Parliament of Scotland And Lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom ſo far as they are contrary to or inconsistent with the terms of theſe Articles as abovementioned ſhall from and after the Vnion ceaſe and become void AND WHEREAS an Act hath paſsed in this preſent Seſsion of Parliament Intituled An Act for Securing the Church of England as by Law Eſtabliſhed the Tenor whereof follows WHEREAS by an Act made in the Seſsion of Parliament held in the Third and Fourth year of Her Majesties Reigne whereby Her Majesty was Impowered to appoint Commiſsioners under the Great Seal of England to Treat with Commiſsioners to be Authorized by the Parliament of Scotland concerning an Vnion of the Kingdoms of England and Scotland It is provided and Enacted That the Commiſsioners to be named in pursuance of the said Act should not Treat of or concerning any Alteration of the Liturgy Rites Ceremonies Diſcipline or Government of the Church as by Law Eſtabliſhed within this Realm AND WHEREAS certain Commiſsioners appointed by her Majesty in purſuance of the said Act and alſo other Commiſsioners nominated by her Majesty by the Authority of the Parliament of Scotland have met and agreed upon a Treaty of Vnion of the said Kingdoms which Treaty is now under the Consideration of this preſent Parliament. AND WHEREAS the said Treaty (with some alterations therein made) is Ratified and approved by Act of Parliament in Scotland and the said Act of Ratification is by Her Majesties Royal Command laid before the Parliament of this Kingdom AND WHEREAS it is reaſonable and neceſſary that the true Proteſtant Religion Profeſſed and Eſtabliſhed by Law in the Church of England and the Doctrine Worſhip Diſcipline and Government thereof should be effectually and unalterably Secured BE IT Enacted by the Queens moſt Excellent Majesty by and with the advice and conſent of the Lords Spirituall and Temporall and the Commons in this preſent Parliament aſſembled and by Authority of the same That an Act made in the thirteenth year of the Reign of Queen Elizabeth of famous memory Intituled An Act for the Miniſters of the Church to be of sound Religion And alſo another Act made in the thirteenth year of the Reign of the late King Charles the Second Intituled An Act for the Vniformity of Publick Prayers and Adminiſtration of Sacraments and other Rites and Ceremonies and for Eſtabliſhing the Forme of Making Ordaining and Conſecrating Biſhops Prieſts and Deacons in the Church of England (other than such Clauſes in the said Acts or either of them as have been Repealed or Altered by any subſequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the Eſtabliſhment and Preſervation of the Church of England and the Doctrine Worſhip Diſcipline and Government thereof shall remain and be in full force forever AND Be it further enacted by the Authority aforesaid That after the Demiſe of her Majeſty (whom God long Preſerve) the Soveraign next Succeeding to her Majesty in the Royall Government of the Kingdom of Great Britain and so forever hereafter every King or Queen succeeding and coming to the Royall Government of the Kingdom of Great Britain at his or her Coronation shall in the preſence of all perſons who ſhall be Attending Aſſiſting or otherwise then and there preſent take and subſcribe an Oath to maintain and preſerve inviolably the said Settlement of the Church of England and the Doctrine Worſhip Diſcipline and Government thereof as by Law Eſtabliſhed within the Kingdoms of England and Ireland the Dominion of Wales and Town of Berwick upon Tweed and the territories thereunto belonging AND be it further Enacted by the Authority aforesaid That this Act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a Fundamentall and Eſſentiall part of any Treaty of Union to be concluded between the said Two Kingdoms and alſo that this Act shall be inserted in expreſs terms in any Act of Parliament which

shall be made for Setling and Ratifying any such Treaty of Vnion and shall be therein declared to be an Eſſentiall and Fundamentall part thereof. MAY it therefore pleaſe your Moſt Excellent Majeſtie That it may be Enacted AND be it ENACTED by the Queens Moſt Excellent Majeſty by and with the advice and conſent of the Lords Spirituall and Temporall and Commons in this preſent Parliament Aſſembled and by Authority of the same That all and every the said Articles of Vnion as Ratified and Approved by the said Act of Parliament of Scotland as aforesaid and herein before particularly mentioned and incerted and alſo the said Act of Parliament of Scotland for Eſtabliſhing the Proteſtant Religion and Preſbyterian Church Government within that Kingdom Intituled Act for Securing the Proteſtant Religion and Preſbyterian Church Government and every Clauſe matter and thing in the said Articles and Act contained shall be and the said Articles and Act are hereby forever Ratified Approved and Confirmed AND it is hereby further ENACTED by the Authority aforeſaid That the said Act paſſed in this preſent Seſſion of Parliament Intituled An Act for Securing the Church of England as by Law Eſtabliſhed and all and every the matters and things therein contained and alſo the ſaid Act of Parliament of Scotland Intituled Act for Securing the Proteſtant Religion and Preſbyterian Church Government with the Eſtabliſhment in the said Act contained be and shall forever be held and adjudged to be and Obſerved as Fundamental and Eſſential Conditions of the said Union and ſhall in all times coming be taken to be and are hereby Declared to be Eſſential and Fundamental parts of the said Articles and Vnion And the said Articles of Vnion so as aforeſaid Ratified Approved and Confirmed by Act of Parliament of Scotland and by this preſent Act And the said Act paſſed in this preſent Seſsion of Parliament Intituled An Act for Securing the Church of England as by Law eſtabliſhed and alſo the said Act paſſed in the Parliament of Scotland Intituled Act for Securing the Proteſtant Religion and Preſbyterian Church Government are hereby Enacted and Ordained to be and continue in all times coming the Compleat and Intire Vnion of the Two Kingdoms of England and Scotland AND WHEREAS since the paſſing the said Act in the Parliament of Scotland for Ratifying the said Articles of Vnion One other Act Intituled Act Setling the manner of Electing the Sixteen Peers and Forty five Members to repreſent Scotland in the Parliament of Great Britain hath likewiſe paſſed in the said Parliament of Scotland at Edinburgh the Fifth day of February One Thouſand Seven hundred and seven the Tenor whereof follows OUR Soveraign Lady Conſidering that by the twenty ſecond Article of the Treaty of Vnion as the same is ratified by an Act paſt in this Seſsion of Parliament upon the sixteenth of January laſt It is provided that by vertue of the ſaid Treaty of the Peers of Scotland at the time of the Vnion Sixteen ſhall be the number to sit and vote in the Houſe of Lords and Forty five the number of the Repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain And that the ſaid Sixteen Peers and Forty five members in the Houſe of Commons be Named and Choſen in such manner as by a subsequent Act in this preſent Seſsion of Parliament in Scotland ſhould be ſetled which Act is thereby declared to be as valid as if it were a part of and ingroſsed in the ſaid Treaty Therefore Her Majesty with advice and consent of the Estates of Parliament Statutes Enacts and Ordains That the ſaid Sixteen Peers who ſhall have right to sit in the Houſe of Peers in the Parliament of Great Britain on the part of Scotland by vertue of this Treaty ſhall be named by the ſaid Peers of Scotland whom they repreſent their heirs or ſucceſsors to their Dignities and Honours out of their own number and that by open Election and plurality of voices of the Peers preſent and of the Proxies for such as shall be absent the said Proxies being Peers and producing a Mandat in writing duly signed before witneſses and both the Conſtituent and Proxie being qualified according to law Declaring also that such Peers as are abſent being qualified as aforesaid may ſend to all ſuch meetings Lists of the Peers whom they Judge fitteſt validly signed by the ſaid abſent Peers which ſhall be reckoned in the same manner as if the parties had been preſent and given in the ſaid Liſt And in caſe of the death or legal incapacity of any of the ſaid Sixteen Peers That the aforesaid Peers of Scotland ſhall nominate another of their own number in place of the ſaid Peer or Peers in manner before and aftermentioned And that of the ſaid Forty five Repreſentatives of Scotland in the Houſe of Commons in the Parliament of Great Britain Thirty ſhall be choſen by the Shires or Stewartries and Fifteen by the Royal Burrows as follows videlicet One for every Shire and Stewartry excepting the Shires of Bute and Cathneſs which shall chooſe one by turns Bute having the first election The Shires of Nairn and Cromarty which ſhall also chooſe by turns Nairn having the first election And in like manner the Shires of Clackmanan and Kinroſs ſhall chooſe by turns Clackmanan having the first election And in caſe of the death or legal incapacity of any of the said Members from the respective Shires or Stewartries abovementioned to sit in the Houſe of Commons It is Enacted and Ordained That the Shire or Stewartry who Elected the ſaid member ſhall Elect another member in his place And that the ſaid Fifteen Repreſentatives for the Royal Burrows be choſen as follows videlicet That the Town of Edinburgh ſhall have right to Elect and ſend one Member to the Parliament of Great Britain And that each of

the other Burghs ſhall Elect a Cōmiſsioner in the same manner as they are now in vſe to Elect Commiſsioners to the Parliament of Scotland Which Commiſsioners and Burghs (Edinburgh excepted) being divided in fourteen Claſses or Diſtricts ſhall meet at such time and Burghs within their respective Diſtricts as her Majesty her Heirs or Succeſsors ſhall appoint and Elect one for each Diſtrict videlicet The Burghs of Kirkwall Week Dornock Dingwall and Tayne one The Burghs of Fortroſe Inverneſse Nairn and Forreſs one The Burghs of Elgin Cullen Banff Inverury and Kintore one The Burghs of Aberdeen Inverbervy Montroſe Aberbrothock and Brechine one The Burghs of Forfar Perth Dundee Coupar and Saint Andrews one The Burghs of Craill Kilrennie Anſtruther eaſter Anſtruther weſter and Pittenweem one The Burghs of Dyſart Kirkaldie Kinghorn and Burntisland one The Burghs of Innerkithen Dunfermline Queensferry Culroſs and Sterling one The Burghs of Glasgow Renfrew Ruglen and Dumbarton one The Burghs of Hadington Dunbar Northberwick Lauder and Jedburgh one The Burghs of Selkirk Peebles Linlithgow and Lanerk one The Burghs of Dumfreis Sanquhar Annan Lockmaben and Kirkcubright one The Burghs of Wigtoun Newgalloway Stranraver and Whitehern one and the Burghs of Air Irvin Rotheſay Campbletoun and Inverary one And It is hereby Declared and Ordained That where the Votes of the Commiſsioners for the ſaid Burghs met to Chooſe Repreſentatives from their ſeveral Districts to the Parliament of Great Britain ſhall be equal in that caſe the Preſident of the meeting ſhall have a casting or deciſive Vote and that by and according to his vote as a Commiſsioner from the Burgh from which he is ſent the Commiſsioner from the eldest Burgh preſiding in the first meeting and the Commiſsioners from the other Burghs in their respective Districts preciding afterwards by turns in the order as the ſaid burghs are now called in the Rolls of the Parliament of Scotland And that in caſe any of the ſaid fifteen Commiſsioners from Burghs ſhall deceaſe or become legally incapable to ſit in the Houſe of Cōmons Then the Town of Edinburgh or the Diſtrict which choſe the ſaid member ſhall elect a member in his or their place It is always hereby expreſsly Provided and Declared that none ſhall be capable to Elect or be Elected for any of the ſaid Estates but ſuch as are Twenty one years of age compleat and Protestant Excluding all Papists or such who being suspect of Popery and required refuſe to Swear and Subscribe the Formula contained in the third Act made in the eighth and ninth Seſsions of King Williams Parliament entituled Act for preventing the grouth of Popery And also declaring that none ſhall be capable to Elect or be Elected to Repreſent a ſhire or burgh in the Parliament of Great Britain for this part of the United Kingdom except such as are now capable by the Laws of this Kingdome to Elect or be Elected as Commiſsioners for Shires or Burghs to the Parliament of Scotland And further Her Majestie with advice and consent aforeſaid for the effectual and orderly Election of the perſons to be choſen to Sit Vote and Serve in the respective Houſes of the Parliament of Great Britain when Her Majesty her heirs and succeſsors ſhall declare her or their pleaſure for holding the first or any subsequent Parliament of Great Britain And when for that effect a Writ ſhall be Iſsued out vnder the Great Seal of the Vnited Kingdom directed to the Privy Councell of Scotland conform to the ſaid twenty ſecond Article Statuts Enacts and Ordains That untill the Parliament of Great Britain ſhall make further provision therein the ſaid Writt ſhall contain a Warrand and Command to the ſaid Privy Councill to Iſsue out a Proclamation in her Majesties name requiring the Peers of Scotland for the time to meet and aſsemble at such time and place within Scotland as Her Majesty and Royal Succeſsors ſhall think fit to make Election of the ſaid Sixteen Peers and requiring the Lord Clerk Register or two of the Clerks of Seſsion to attend all such meetings and to adminiſter the Oaths that are or ſhall be by Law required and to aſk the Votes And having made up the Lists in preſence of the meeting to return the names of the Sixteen Peers choſen (certified under the Subscription of the ſaid Lord Clerk Register Clerk or Clerks of Seſsion attending) to the Clerk of the Privy Council of Scotland And in like manner Requiring and Ordaining the ſeveral Freeholders in the respective Shires and Stewartries to meet and conveen at the head Burghs of their ſeveral Shires and Stewartries to Elect their Commiſsioners conforme to the order above ſet down And Ordaining the Clerks of the ſaid meetings imediately after the ſaid Elections are over respectively to return the names of the persons elected to the Clerks of the Privy Council And laſtly Ordaining the City of Edinburgh to Elect their Commiſsioner and the other Royall Burrows to Elect each of them a Commiſsioner as they have been in vſe to Elect Commiſsioners to the Parliament and to ſend the ſaid respective Commiſsioners at ſuch times to such Burghs within their respective Districts as Her Majesty and Succeſsors by such Proclamations ſhall appoint Requiring and Ordaining the common Clerk of the respective Burghs where ſuch elections ſhall be appointed to be made to attend the ſaid meetings and immediately after the Election to return the name of the perſon ſo elected (certified under his hand) to the Clerk of Privy Councill to the end that the names of the Sixteen Peers Thirty Commiſsioners for Shyres and Fifteen Commiſsioners for Burghs being ſo returned to the Privy Council may be returned to the Court from whence the Writt did Iſsue under the Great Seal of the Vnited Kingdom conforme to the ſaid

twenty ſecond Article AND WHEREAS by the ſaid twenty ſecond Article It is agreed That if her Majeſty ſhall on or before the firſt day of May next Declare That it is expedient the Lords and Commons of the preſent Parliament of England ſhould be the members of the reſpective houſes of the first Parliament of Great Britain for and on the part of England they ſhall accordingly be the members of the ſaid reſpective Houſes for and on the part of England Her Majeſty with advice and conſent aforeſaid in that caſe only Doth hereby Statute and Ordain That the Sixteen Peers and Forty five Commiſsioners for Shires and Burghs who ſhall be choſen by the Peers Barrons and Burghs reſpectively in this preſent Seſsion of Parliament and out of the Members thereof in the same manner as Committees of Parliament are vſually now choſen shall be the members of the reſpective Houſes of the ſaid first Parliament of Great Britain for and on the part of Scotland Which Nomination and Election being certified by a Writt vnder the Lord Clerk Registers hand the perſons ſo Nominated and Elected ſhall have right to Sit and Vote in the Houſe of Lords and in the Houſe of Commons of the said first Parliament of Great Britain as by the said Act paſſed in Scotland for Settling the manner of Electing the Sixteen Peers and Forty five Members to Repreſent Scotland in the Parliament of Great Britain may appear BE IT therefore further ENACTED and Declared by the Authority aforeſaid That the said laſt mentioned Act paſsed in Scotland for Settling the manner of Electing the Sixteen Peers and Forty Five Members to repreſent Scotland in the Parliament of Great Britain as aforeſaid shall be and the same is hereby Declared to be as valid as if the same had been part of and Ingroſsed in the said Articles of Vnion Ratified and Approved by the said Act of Parliament of Scotland and by this Act as aforeſaid EGO Matheus Johnſon Armiger Clericus Parliamentor. virtute Brevis dict^{e} Domine Regine de Certiorand mihi direct^{e} et his annex Certifico superius hoc Scriptum verum eſſe tenorem Actus Parliamenti supradict^{e} in eo Brevi expreſsi In Cuius rei Teſtimonium huic Schedule Sigillum Meum appoſui Nomenque meum Subſcripſi Dat^{e} Septimo die Martij Anno Regni dicte Domine Regine Quinto Annoque Domini Milleſimo Septingenteſimo Sexto. *Math: Johnſon.* NOS autem Seperales Tenores Brevis retorñ et Actus predict^{e} duximus Exemplificand per preſentes IN CUIUS rei Teſtimonium has Literas noſtras fieri fecimus Patentes TESTE meipſa apud Weſtmonaſter^{e} Septimo die Martij Anno Regni noſtri Quinto.

WRIGHTE.

[Acts to be proclaimed & printed]

ACT for Securing the Protestant Religion and Presbyterian Church Government Act ratifieing and approving the Treaty of Union of the Two Kingdoms of Scotland and England and Act for Settling the manner of Electing the Sixteen Peers and Fourty Five Members to repreſent Scotland in the Parliament of Great Britain were ordered to be proclaimed and printed.

PETITION for Robert Prestoun of that Ilk John Chrystie and pairtners subtacksmen of Excyse for releiving them of their subtacks and to appoint them to compt as Collectors read and remitted to the Lords of Theſaurie and Exchequer conforme to a deliverance thereon.

[Remit to the Exchequer in favours of Robert Preston of that Ilk & others]

[African & Indian Company]

THEREAFTER the Act for payment of the Capital and Interest to the Proprietors of the African and Indian Company of Scotland out of the equivalent was again read as alſo read over by paragraphs.

AND upon reading the last paragraph a petition for the Earle of Crawfurd craveing a debt that was due to the deceast Major John Lyndsay by the African Company might be allowed out of their effects was read and ane allowance was granted in the terms of a delyverance thereon.

[Act in favours of the Earl of Crawfurd]

AS alſo upon another petition given in by the Relict of Captain Baillie who dyed in the ſaid Companys Service for some allowance for her great loſs Ane allowance was alſo granted to her in the terms of a delyverance thereon And after several amendments were made upon the said Act the same was voted and approven.

[Act in favours of the Relict of Captain Baillie]

THEN the Lord Chancellor by order of Her Mat^{ies} high Commiſsioner Adjourned the Parliament till Fryday next at ten of the clock.

MARCH XXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

UPON a Representation by the Directors of the African Company That since the Committees report anent the debts of the said Company and Act of Parliament thereupon there appears some small Claims against the Directors upon the Companys account The Parliament did Recommend to the Commiſsioners for the equivalent to pay such further sums as shall be duly instructed by the Directors on the Companys account not exceeding the sum of One hundred & fifty pounds Sterling.

Recommendation in favours of the Directors of the African Company

[Physicians & Chirurgeon Apocaries of Edinburgh]

WARRAND granted to cite the Physicians of the Royal Colledge of Edinburgh in common form upon a petition given in by the Chirurgeon Apothecarys.

[Anent the Publick debts]

REPORT of the Committee anent the publick debts read.

AND an Overture for an Act concerning publick debts also read and a first reading ordered to be marked thereon & ordered to be printed before a second reading.

PETITION for James Hamilton of Gilkerscleugh in relation to his serving heir to his predeceſsors cum beneficio Inventarii read, and after some discourse thereon the vote was put Grant the desire of the petition or not and it carried Grant in the terms of the deliverance thereon.

[Act in favours of James Hamilton of Gilkerscleugh]

PETITION for the Lady Sempill in relation to Brigadeer Cuninghams Accompts while he was in the service read & remitted to the Lords of the Thesaury conform to a deliverance thereon.

[Remit to the Lords of Thesaury in favours of the Lady Sempill]

PETITION for the Ladies Caldwell elder & younger & John Mure of Caldwell read and the consideratione thereof delayed till next Sederunt of Parliament.

[The Ladies Caldwell]

ACTS of Ratification in favours of several persons read & past and Protestations taken against some of the saids Acts.

[Ratifications past]

RATIFICATION in favours of James Duke of Queensberry Her Majesties high Commiſsioner of the Dukedom of Queensberry &c. 12

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RATIFICATION in favours of John Duke of Argyll of a gift approving the rights of the office of Great Master Household &c. within this Kingdom.

AT EDINBURGH the Twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady with the special advice and consent of the Estates of Parliament Ratifies Approves & perpetually Confirms a gift under the Great Seal of this Kingdom dated at St James's the first day of December I^{m} vij^{c} and five years and granted by Her Majesty to John Duke of Argyll his heirs male and of taillie contained in his rights and Infeftments approving all the rights in favours of him and his predeceſsors of his Office of Great Master of Household and other heretable Offices within this Kingdom belonging to him and Disponing to him during his life as a Pension and Salary for the said Offices the feu, blench, teind, taxtward, tack and other duties rents and casualties whatsoever payable to Her Majesty for herself and as come in place of the Prince and Stewart of Scotland furth of the Dukedom, Marquisite, Earldom, Lordship and Barony of Argyll and all other Lands mills heretable Offices and others whatsoever which pertained to the deceased Duke and Earl of Argyll his father and grandfather and are now poſseſsed by him and contained in the Reddendos of their Charters and other rights excepting the rents teind duties and other casualties used to be paid to the Bishops out of the said Lands and Baronies and that for Crop I^{m} vij^{c} and four & thereafter during the life of the said Duke Reserving to Her Majesty power to revock the said Gift which revocation is only to take place after the date thereof as is more fully expreſsed in the said Gift In the haill heads and clauses thereof And Her Majesty with consent foresaid Wills Grants Statutes and Ordains that the foresaid Gift and Approbation shall be a good valid and sufficient right conform to the tenor of the same to the said Duke of Argyll for poſseſsing in the 13

terms thereof the feu blench teind taxtward tack and other duties rents and casualties whatsoever payable to her Majesty in manner foresaid furth of the Dukedom Marquisite Earldom Lordship and Barony of Argyll and others abovementioned during the space above expreſsed and Declares this present Ratification to be as sufficient to all intents as if every word of the Approbation and Gift hereby Ratified were inserted herein with the not inserting whereof and with all other defects and imperfections that may or can be objected against the validity thereof or of this Ratification of the same Her Majesty with consent foresaid for her and her Royal Succeſsors has Dispensed and [hereby] Dispenses for ever.

RATIFICATION in favours of Alexander Earl of Kellie of a tack of the feu duties &c. of the lands of Kingsbarns.

14 AT EDINBURGH 21st day of March 1707 years Our Soveraign Lady with the special advyce & conſent of the Eſtates of Parliament ratifies & approves a confirmation of ane new tack under the Privie Seall of the Kingdome of Scotland granted by her Majestie with conſent of her Theſaury & Exchequer to Alexr Earl of Kellie of the following tenour ANN by the grace of God Queen of Great Britain France & Ireland defender of the Faith Forasmuch as Wee conſidering the conſtant Loyalty & firm affection of Alexr Earl of Kelly & his prediceſſors to us and our royal anteceſſors and the many ſufferings & great loſſes ſufteand by them for their firm adherence to our royal intereſt in the worſt of tymes Therfore wit ye us to have ratified & approven and for us & our ſucceſsors perpetualy confirmed Lykeas we ratifie & approve and for us & our ſucceſsors perpetualy confirm ane tack ſet by the deceaſt King Charles of bliſsed memorie under the Privie Seall of the date the 28 day of August 1660 years in favours of the now deceaſt Alexr Earl of Kellie father to the said Alexr now Earl of Kellie his airs and aſſignays of all & haill the mails fermes few dueties found deuties kaynes cuſtomes caſualities ſervices & others due & payable to us furth of the lands of Kingsbarns lyeing within the parochine of Kingsbarns & ſherifdome of Fyfe by the heretors tennents & poſſeſſors thereof And which tack was for the ſpace of 3 nyntein years after the deceis of Sir James Scot of Roſsie then taxſman of the ſame and that in the haill heads clauſes and articles thereof and for all the ſpace years and termes of the ſamen yet to run And further We with conſent of the Lords Commiſsioners of our Theſaury & Exchequer have given granted and in tack & aſſedation lettin And be the tenour hereof of new gives grants & in tack & aſsedation letts to the said Alexr now Earl of Kellie his airs or aſsigneys whatsoever the said haill mails fermes few deuties fund deuties kayns cuſtomes caſualities ſervices & others due & payable to us furth of the said lands of Kingsbarns lyeing in manner forsaid by the heretors tennents & poſſeſſors thereof and that for all the dayes years & ſpace of 3 nyntein years nixt and immediatly after the said Alexr Earl of Kellie his entry thereto which is hereby declared to be and begin at the nixt terme of payment of the said deuties immediatly following the expiration of the former tack ſet by the said deceaſt K. Charles the 2d to the said deceaſt Alexr Earl of Kellie his father and from thence furth to continow ay and while the said three nyntein years be fully and compleatly outrun With power to the said Alexr Earl of Kellie & his forsaids to aſk crave receive and uplift the ſaid duties from the perſons addebted in payment thereof to give acquittances & discharges thereupon which ſhall be as valid and ſufficient to the receivers as if the ſame were given by us with conſent of our ſaid Commiſsioners of our Theſaury and Exchequer and to call and purſue therefore ſicklike and as freely as any other tackſman within our said kingdom of Scotland And We recommend to the Lords of Council & Seſsion to grant letters of horning on a charge of ſix days Commanding the perſons addebted in payment to answer and obey the said Alexr Earl of Kellie & his foresaids and to make ready payment to them of the said duties The ſaid Alexr Earl of Kellie and his forsaids paying yearly to us & our ſucceſsors or to the Lords Commiſsioners of our Theſaury & Exchequer receivers of our rents the ſum of Twenty pounds Scots money being the old tack duty formerly paid by the ſaid umquhill Sir James Scott of Roſsie and by the deceaſt Alexr Earl of Kellie and by himſelf and that at two termes in the year Whitſunday & Martinmaſs by equal portions during the haill ſpace of the preſent tack Given under our Privy Seal at our Court at Windſor Caſtle the twentieth & fifth day of Auguſt One thouſand ſeven hundred & two and of our reign the firſt year Written to the Privy Seal and registrat the third day of April 1703 Sic ſubtr Ja. Douglas Sealed at Edinr the ſeventh day of April 1703 Sic ſubtr Pat: Scott IN the haill heads articles & clauſes thereof And her Majestie with conſent foresaid Wills and Grants and for her and her royal ſucceſsors ſtatutes ordains and declares that the foresaid Confirmation and new tack ſhall be in the termes thereof a good and valid ryght ſo far as concerns her Majestics intereſt to the said Alexr Earl of Kellie and his foresaids for poſſeſsing and enjoying in the termes thereof and dureing the tyme thereinmentioned the abovementioned mails ferms few deuties fund deuties kaynes cuſtomes caſualities ſervices and others thereby ſet And that the ſame ſhall never be revocked nor quarrelled by her Majestie or her foresaids dispenceing hereby with all

defects or imperfections if any be of the ſaid Confirmation and tack and of this ratification of the ſamen.

15 RATIFICATION in favours of Thomas Viscount of Duplin of the Lands & Baronies of Cultmalundie & Keillor &c.

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RATIFICATION in favours of Robert Lord Colvill of the Lands & Barony of Cleish.

16 OUR SOVERAIGN LADY with the speciall advice and conſent of the Eſtates of Parliament Ratifys Approves and perpetually Confirms a Chartar under the Great Seall of the Kingdom of Scotland of the date at St James's the 19th day of January 1706 years granted by her Majesty with consent of the Lords & others Commiſsioners of her Theſaury & Exchequer of the said Kingdom and proceeding on the Reſignation of Robert Lord Colvill and the deceaſed Sir David Barclay of Cullearnie respective in favours of the said Robert Lord Colvill and the heirs male of his body which failzieing to the heirs female of his body the eldest heir female always succeeding without diviſion Which failzieing to any other perſon or perſons to be named & appointed by a write under his hand at any time in his life even on deathbed with and under the conditions proviſions reſervations failzies and irritant clauſes to be therein contained which are holden for repeated in the said Chartar And failzieing of such deſtination to Dame Margaret Colvill Lady Aytoun ſiſter of the said Robert Lord Colvill and the heirs male of her body Which failzieing to the heirs female of her body the eldest heir female allways succeeding without diviſion Which failzieing to the neareſt and lawfull heirs & aſsigneys whatsoever of the said Robert Lord Colvill heretably and irredeemably without any reverſion redemption or regreſs and under the proviſions conditions & irritant clauſes after specified which are particularly condeſcended upon and expreſt in the said Chartar abovementioned Of all and haill the lands & barrony of Cleiſh comprehending therein the lands & others underwritten viz. The lands of Middle Cleiſhe Weſter Cleiſh & Dollilands thereof The lands of Haltoun of Cleiſh with tower fortalice and parks of the same The lands of Borelands of Cleiſh Nivingſton eaſter & weſter with the Mill & Millands of Cleiſh and Brewslead thereof tennents tennendries and ſervice of free tennents dependencies and haill pertinents of the said lands All & haill the lands of Blair of Crambeth and pertinents thereof And all & haill ane yearly annualrent of ten Merks ten ſhilling & eight pennys Scots money to be uplifted furth of the said lands of Crambeth All & haill the lands of Blackfawling with woods thereof and haill pertinents of the ſame All lying in the ſherrifdom of Kinroſs and united erected & incorporated in ane haill and free barrony called the Barrony of Cleiſh And alſo all and haill the lands of Dunduff with houſes biggings yeards tofts crofts outsetts annexis connexis dependencies parts pendicles & pertinents thereof whatsoever lying within the parochin of Dumfermling regality thereof and ſherrifdom of Fyffe All and haill the lands of Outh with houſes biggings yeards tofts crofts coall and coallheugh annexis connexis outsetts parts pendicles and pertinents with the loch called Lochglo and all other loches fiſhings muires mariſhes and pertinents thereof whatsoever lying within the said parochin and regality of Dumfermling & ſherrifdom of Fyfe All & haill the lands of Lethalmond with houſes biggings yeards tofts crofts outsets annexes connexes dependences parts pendicles and pertinents lying within the said parochine and regality of Dumfermling and ſherrifdom of Fyfe forſaid All and haill the lands of North Lethlands with houſes biggings yeards tofts crofts and haill pertinents thereof whatsoever lying in the said parochin and Regality of Dumfermling and ſherrifdom of Fyfe forsaid And ſicklike all & haill the lands of Over and Neither Auchlanskyes with houſes biggings tofts crofts outsets parts pendicles & haill pertinents lying within the Stewartry of Strathern and ſherrifdom of Perth And also all and haill the half of the lands of Kinnaird with houſes biggings yeards tofts crofts parts pendicles and pertinents of the ſame whatsoever lying of old within the barrony of Cullairnie and ſherrifdom of Fyfe forsaid and now by annexation within the ſherrifdome of Kinroſs Providing that if daughters or heirs female ſhall happen to succeed to the said Eſtate & fortune in that caſe the eldeſt daughter or heir female ſhall ſucceed thereto without diviſion And the said daughters or heirs female ſo ſucceeding ſhall be oblidged to be marryed to a Gentleman of the name of Colvill or of any other ſirname agreeable to their rank & degree and the heirs of tailzie above mentioned as well male as female and the husbands of the heirs female succeeding to the said lands & eſtate ſhall be bound & oblidged to aſsume keep & retain the Sirname of Colvill and to uſe and bear the name and arms of the family of Colvill Declaring allways Likeas by the said Chartar it is specially provided & declared That if the heirs of Tailzie above mentioned ſhall not happen to be married as is above provided and ſhall not aſsume and retain the said name and arms of the Lord Colvill In that caſe the person so contraveining ſhall for themſelves only without prejudice of the other heirs included in the said tailzie ſhall loſe and amit their right of ſucceſsion to the said lands and estate and the Infeftments and other rights in their persons ſhall

ipſo facto from thenceforth be void null & extinct by way of exception or reply without any Declarator to follow thereon And it ſhall be lawfull to the next heir of tailzie exiſting for the time who is appointed to succeed to the said lands and estate by virtue of the tailzie and ſubſtitution above mentioned to ſucceed or obtain themſelves ſerved & retoured heirs in speciall in the saids lands to thoſe who are laſt veſt and seaſed therein before the Contraveener and to procure themſelves infeft thereon or to obtain the right of the said land eſtabliſhed any otherways as accords in their perſons and in the persons of the other heirs of Tailzie above mentioned and to be noways ſubject and lyable to the debts or deeds of the Contraveeners as is fully expreſsed in the said Chartar whereby her Majesty with conſent foresaid has given & disponed to the said Robert Lord Colvill and the heirs male to be procreat of his body which failzieing to the .....

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17 RATIFICATION in favours of Dame Margaret Campbell Lady Ceſsnock of the Lands & Barony of Ceſsnock &c.

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18 RATIFICATION in favours of Sir Gilbert Elliot of Minto of the Barony of Minto.

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19 RATIFICATION in favours of Sir David Home of Croſsrig of eight husband lands of Croſsrig.

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RATIFICATION in favours of Mr Roderick Mackenzie of Prestounhall of the Barony of Lovat.

20 AT EDINBURGH the twenty first day of March One thousand seven hundred and seven years Our Soveraign Lady with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirmes Two Charters under the Great Seall of this Kingdom granted by her Majesty with consent of the Lords and others Commiſsioners of her Thesaury and Exchequer for the time to Mr Roderick M^c^Kenzie of Prestounhall one of the Senators of the Colledge of Justice his heirs and aſsigneys heretably of the lands lordship and barony of Lovat, lands of Bewfort, lands and barony of Bewly and others therein mentioned lying in the shire of Inverneſs One of the which Charters is of the date at St James's the twenty fourth of February I^m^ vij^c^ and three years proceeding on the Apprysing therein specified at the inſtance of umquhill Alex^r^ Brand of Babertoun againſt Hugh Lord Fraser of Lovat And upon the Conveyance and Reſignation therein specified of Alex^r^ Brand now of Babertoun oye & air ſerved and retoured to the said deceaſt Alex^r^ Brand of Babertoun his grandfather in favours of the said Mr Roderick which with the other rights therein mentioned are therby confirmed And containing a new gift of the said haill lands, and of the office of Conſtabulary of the Palace and principall meſsuage of the Priory of Bewlie and office of Bailiary of the said barony of Bewlie And ane union of the haill in one barony called the barony of Lovat to be holden of her Majesty for payment of the severall duties mentioned in the ſaid Charter By which the ward, nonentry, releef and marriage when falling for the old barony of Lovat are taxed to and aſsigned for payment of the respective sums therein specified viz. The ſum of one hundred merks Scots yearly during the ward and nonentry or either of them with the like ſum for the relief & 500 merks for the marriage of the heir or heirs And the heirs are allowed to be entered notwithſtanding of their minority And the other of the which Charters is dated at St James's the Seventeenth day of Aprile One thousand seven hundred and four years to the said Mr Roderick M^c^Kenzie and his forsaids heretably and irredeemably proceeding on his own Resignation and containing a Confirmation of all his former Rights granted to him his predeceſsors cedents & authors of the lands and others forsaids All therby erected in a Regality called the Regality of Lovat with Chappell and Chancellary right of Juſticiary Eſcheats of the Inhabitants and other priviledges immunities offices and juriſdictions all holden as repeated herein Ordaining the burgh of Bewlie or Frazerdale to be the head burgh therof, and to be called the Burgh of Regality of Lovat And allowing mercats to be kept thereat And one Saſine at the manour place of Lovat or any part of the said lands to be sufficient for the said haill Regality, Burgh, Offices and others therein mentioned To be holden of her Majesty for payment of the severall few blench and taxt ward duties expreſsed in the ſaid Charter Together with the Precepts of Saſine contained in the ſaid two Charters and Inſtruments of Saſine theron In the haill heads articles and clauſes therof And Her Majesty with conſent forsaid Wills and Grants and for her and her Royall Succeſsors Statutes Ordaines and Declares that the saids Charters Precepts and Sasines shall be good valid and sufficient rights conforme to the tenors thereof to the said Mr Roderick M^c^Kenzie of Prestonhall and his forsaids for poſseſsing and enjoying in the terms thereof without any stop or impediment soe far as concernes the intereſt of her Majesty or her succeſsors the lands baronies regalitie offices and

others reſpective above written and that the ſame ſhall never be quarrelled or revocked by her Majesty or her ſaid Succeſsors And alſo that this preſent Ratification ſhall be to all intents as ſufficient as if every word of the forsaids Charters Precepts and Saſines were inſert herein With the not inſerting wherof and with all other defects and imperfections that may or can be objected againſt the validity therof and of this preſent Ratification of the same Her Majeſty with consent forsaid for her and her saids succeſsors has Dispensed and hereby Dispenses for ever Excepting and Reserving furth of the said Ratification and Rights therby ratified and Regality above mentioned The lands of Kirktoun of Inchberry holden by the said Mr Roderick of the Duke of Argyle With the ſaid Duke of Argyle his heretable office of Juſticiary Generall within the ſame Which with his Right of Superiority of the ſaids lands shall be as intire to him and his succeſsors as if the ſaid Rights and this Ratification had never been made nor granted.

21 RATIFICATION in favours of Sir Walter Riddell of that Ilk of the Lands & Barony of Riddell.

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RATIFICATION in favours of Sir William Sharp of Stonyhill of the Lands of Stonyhill.

22 OUR SOVERAIGNE LADY the Queens Majeſtie with the ſpeciall advice & consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirmes ane Charter under the Great Seall of this Kingdome containing precept of Seaſine of the date at Windſoir Caſtle the laſt day of July I^m vij^c^ & ſix years granted be her Majestie with conſent of the Lords & others Commiſsioners of her Majesties Thesaurie and Exchequer and proceeding on the reſignations of John Earl of Lawderdall and Sr Robert Dickſon of Carberry to and in favours of Sir William Sharp of Staniehill knight & barronet and his aires and aſsignies whatsumever heretablie and irredeemablie Of All & Haill the Lands of Stoniehill with the mannor place houses biggings yairds orchyairds parks tofts crofts coalls coallheughs cunnings cunningares doves dovecots annexis connexis dependences pairts pendicles and pertinents of the ſamen whatsumever As alſo of All & Haill the Lands called Hutchon croft land bank and Thomas Aiker and pertinents thereof And sicklyke of All and Haill the ſixtein oxengate of Land of Monktounhall with the houses biggings yairds tofts crofts coalls coall heughs pairts pendicles & pertinents of the ſamen whatsumever Together with all other tenements houses biggings yairds orchyairds barnes byres ſtables lying in and about the toune of Monktounhall which formerly pertained heretablie to the deceaſt Robert Dobie of Stoniehill and thereafter to Robert Dobie his ſone and air who and their tennents were in poſseſsione thereof whatsumever name or deſignatione the ſame be of And but prejudice of the said generality the houses tenements yairds and others in Monktounhall which ſometyme pertained to Thomas Abernethie Cornelius Neilſone and Robert King and which were be them reſigned ad perpetuam remanentiam in the hands of the deceaſt Robert Dobie ſuperior therof And sicklyke of All and Haill these four oxengate of Land and ane half oxgate of the toune & land of Monktounhall with the houses biggings coalls coallheughs dovcots kilnes yairds paſturadges pairts pendicles and haill pertinents thereof ſometyme pertaining to the deceaſt John Caſs Wryter and Clerk of the Lordſhip of Muſleburgh and poſseſsed be him and his predeceſsors paſt memory of man and thereafter be William Smith Clerk to the forsaid Lordſhip of Muſsilburgh and Margaret Caſs his ſpouſe and thereafter be William Smith his eldeſt lawfull ſone and aire to his said father and Mr Robert Smith brother and aire to the said William Smith younger And thereafter belonging to the deceaſt Sir Wm Sharp and his ſpouſe conquiſed and acquired be them from the said deceaſt Wm Smith younger and Mr Ro^t^ Smith his brother and aire be vertue of the divers rights & ſecurities made and granted be them with conſent of the perſons therein mentioned in favours of the said deceaſt Sir Wm Sharp and his ſpouſe all boundit and limited as is therein contained Together with the teynd ſhaves and perſonadge teynds of all and ſundry the forſaids haill Lands & others particularly abovementioned Except the Lands of the forsaid four oxengate and ane half of the ſaids toune and lands of Monktounhall with the pertinents thereof respective abovewritten to be hencefurth unite and annexed to the ſaids lands to remaine inſeperable therewith in all tyme comeing And of All and Haill the coall and coallheughs of all and ſundry the ſaids lands and toune of Monktounhall not ſet in few ferme before the granting of ane Charter be Patrick Maſter of Gray Commendator of Dumfermline and Convent thereof in favours of umquhill James Richardſone of Smeatoune and his ſpouſe and longeſt liver of them two and to umquhill Sir James Richardſone their eldeſt lawfull ſone to Sir James Richardſone now of Smeatoune of the foresaids coalls and coallheughs and others therein contained daited the ſeventh and nynth dayes of May I^m^ vj^c^ & eightie ſix years All lying of old within the Regality of Dumfermline thereafter within the said Lordſhip Barronie and Regality of Muſselburgh and Earldom of Lauderdale and now lying within the paroch of Inuerask and Sherifdome of Edinburgh with the ſuperiority of the ſaids haill Lands Together with all liberties and priviledges of ane free Rega-

lity with free Chappell and Chancellary for directing & ſerving of breives And with full power of holding Juſtice Courts & Juſtice Airs and adminiſtrating of Juſtice within the haill bounds of the Lands and others above mentioned heirby disponed or any pairt thereof And to repledge the tennents vaſsals & inhabitants of the said Lands who ſhall happen to be conveened & purſued before any other Judge and to bring them back to the jurisdictione of the said Regality in reſpect that the vaſsalls and inhabitants of the saids Lands preſent & to come are exemed from the judgment & jurisdictione of the sheriff of the ſhire and all others judges within the said Kingdome alſe well in actiones civil as criminall (except the four pleas of the Croune) sicklyke and alſe freely in all reſpects as any other inhabitants of any other Regality within this Kingdome are or were exonered of before with the power of makeing & creating baillies & juſticiarie deputes clerks ſerjants dempſters and other members of Court needfull and puneſhing of tranſgreſsours and uplifting of the fines escheits bloodwits of the Courts and applying thereof to their oun uſe And of poynding and diſtrenzieing therfor And of doeing all other things & enjoy & uſe all other priviledges & immunities which did belong or knowen to belong to any free Regality within this Kingdome And all other rights & priviledges of the ſame contained in the Charters & Infeftments thereof granted to John Earle of Lauderdale & his predeceſsors And whereunto he or any of the perſones mentioned in the Diſpoſitione granted be him with their conſent to the said Sir William Sharp had right within the bounds of the foresaids Lands therby Disponed And that without prejudice to the said Sir William Sharp and his forsaids of any former power or juriſdictione of holding of Courts and Adminiſtrating of Juſtice conforme to the prior Charters and Infeftments granted to him and his predeceſsors and authors of the saids Lands ſo that it ſhall be alwayes leiſome & lawfull to him & his heirs and ſucceſsors to make uſe of both or any ane of the saids juriſdictiones the ane without prejudice of the other and without any confuſione of the saids juriſdictiones ſed accumulando jura juribus Together with all other right of ſuperiority or property title intereſt clame of right poſſeſsione petitor and poſſeſsor which the saids Earle of Lauderdale and Sir Robert Dickſone of Carberrie or either of them their predeceſsors cedents and authors had have or any wayes may clame & pretend to any of the forsaids Lands ſuperiority or property few and teynd dewties and ſervices thereof juriſdictiones priviledges heretable offices and others within the ſamen and pertaining and belonging to the said Lands or to any pairt or portione thereof in all tyme comeing Without prejudice alwayes to the said Sir Robert Dickſone and his heires & ſucceſsors of the priviledge of Regality & Juſticiary as to all the reſt of the Lands and Lordſhip of Muſselburgh not Disponed be the said Earle of Lauderdale with conſent of the said Sir Robert Dickſone to the said Sir William Sharp And the said Sir William Sharp and his forsaids being alwayes lyabell to augmentationes of ſtipends for the haill teynds of the Lands above written disponed to him (if any ſhall happen) effeirand to his valuatione with the reſt of the heritors of the parroch And sicklyke the ſaid Sir William Sharp and his forsaids their tennents and poſſeſsors of the saids Lands disponed preſent and to come being alwayes ſubject & lyabell not only in thirladge of ſuch of the ſaids haill Lands and others above written diſponed to him as ſhall be poſſeſsed be them to the milnes of Muſselburgh as formerly But alſo ſubject & lyabell to the said Sir Robert Dickſone his Courts of the said Lordſhip and Regality of Muſselburgh for abſtracted multures But expreſsly provyding that the said Sir William Sharp and his heires and ſucceſsors heretors of the saids Lands and the tennents & poſſeſsors thereof preſent and to come ſhall be altogether freed and exeimed from the ſaid Sir Robert his Courts except alenarly for abſtracted multures in manner above written By which Charter Her Majesty with conſent foresaid of new gives grants & dispones to the said Sir Wm Sharp and his foresaids heretably and irredeemably the forsaids haill Lands manner place houſes biggings tenements aikers crofts coalls coallheughs ſuperiority teynds few and teynd dewties right and priviledge of Regality and Juſticiary free Chappell and Chancellary and haill other priviledges offices immunities and others respective above written Disponed to the said Sir William Sharp with all other pairts pendicles and pertinents thereof or any pairt or portion of the ſamen Together with all right title intereſt clame of right property and poſſeſsione petitor & poſſeſsor which her Majestie her predeceſsors or ſucceſsors had has or any wayes may have clame or pretend thereto or to any pairt therof in manner and for the reaſones and cauſes therein expreſsed And Decernes and Ordaines That ane Seaſine now to be taken be the ſaid Sir William Sharp and be his forsaids in all tyme comeing at the maner place of Stoniehill be delivery of earth and ſtaine alenarly ſhall ſtand and be ane ſufficient Seaſine to them for all and ſundry the foreſaids haill lands houses biggings tenements ſuperiority teynds few & teynd dewties right and priviledge of Regality & Juſticiarie free Chappell & Chancellary and haill other priviledges immunities offices and others respective above written with all their pairts pendicles and pertinents disponed to the said Sir William Sharp lyand in manner respective abovewritten Notwithſtanding the ſamen ly diſcontigue and be of ſeverall boundings & deſignationes Whereanent and with all that may follow thereupon Her Majeſtie for her and her ſucceſsors with conſent forsaid has diſpenſed for ever To be Holden of Our ſaid Sove-

raigne Lady the Queens Majeſtie and her royall ſucceſsors in free Regality and Juſticiarie free Chapell & Chancellary, free blench fie & heretadge for ever for payment of ane penny Scots money upon the ground of the saids Lands at the feaſt of Whitsunday yearly in name of blench ferme if it beis aſked allenarly And paying to the miniſter serving the cure at the Kirk of Invereſk preſent and to come ane proportionall pairt of the locall modified ſtipend dew and payable furth of the teynds of the ſaids Lands effeiring & correſponding thereto alenarly for all other burden Together alſo with the Precept of Seaſine therein contained and Inſtrument of Seaſine following or to follow therupon In the haill heads clauses articles conditiones of the ſamen Charter Precept and Seaſine And her Majeſtie with conſent foresaid wills & grants and for her & her Royal Succeſsors decerns ordains and declares that the said Charter Precept & Seaſine ſhall be conform to the tenors thereof good & ſufficient rights to the said Sir Wm Sharp & his foresaids for their poſseſsing and enjoying in the terms thereof the foresaid lands right of Regality & Juſticiary & others above mentioned in all time coming And that the ſame ſhall never be quarrelled or revocked by her Majesty or her foresaids And alſo that this preſent Ratificatione is & shall be alſe valid effectuall and ſufficient to the said Sir William Sharp and his forſaids as if the said Charter Precept of Seaſine contained therein and Inſtrument of Seaſine following or to follow thereupon were herein expreſsly de verbo in verbum inſert and ingroſsed Wheranent and with all other exceptiones or objectiones that may be moved proponed or alleadged against the validity of this preſent Ratificatione and rights hereby ratified Her Majesty with conſent foreſaid has Dispenſed and heirby Dispenſes for ever.

RATIFICATION in favours of Sir Alexander Erskine of Cambo and his son of the gift of the office of Lyon King of Arms.

23 AT EDINBURGH the Tuenty first day of March One thousand seven hundred and seven years Our Soveraigne Lady with advyce and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Gift and Commiſsion under the Great Seall of the dait at Saint James's the tuenty nynth day of January I^{co} vij^{c} and three years granted by her Majesty with consent of the Lords and others Commiſsioners of her Majesties Thesaury & Exchequer for the tyme to Sir Alexander Erskine of Cambo and Alexander Erskine his eldest lawfull son whereby the former gift of the office of Lyon King of Arms is Confirmed to the said Sir Alexander during his life and he and his said sone and longest liver of them are of new made during their lifetymes joint Lyons Kings of Arms and the names of Lyon King of Arms with the haill priviledges and casualities thereof are given to them both And the said Alexander Erskine is ordained to execute the said office either with his father or by himselfe as his said father shall judge fit And the power of prescribing Ensignes armoriall to virtuous persons is granted to them both And also ane hundered pound Sterling of fee and sallary yearly is given to the said Sir Alexander during his life and after his death to his said sone to continue during their lifetymes respective and ſucceſsive suspending alwayes the Crowning of the said Alexander Erskine as Lyon King of Arms so long as his father is alyve In the haill heads and clauses of the said Gift and Commiſsion And Her Majesty with consent forsaid Statuts and Ordains the forsaid Gift and Commiſsion to be conform to the tenor thereof a good and sufficient right and title to the said Sir Alex^{r} Erskine and Alexander Erskine his sone during their life tymes and longest liver of them two for poſseſsing and enjoyeing in manner forsaid the above mentioned office of Lyon King of Arms With the haill priveledges and casualities thereof and fee or sallary above written during the space above mentioned And that the same shall not be revocked or quarrelled by her Majesty or her ſucceſsors And that this present Ratification shall be alse sufficient to all intents as if every word of the said Gift and Commiſsion were inserted herein Whereanent and with all other defects and imperfections that may or can be proponed against the validity of the said Gift and Commiſsion or of this present Ratification of the same Her Majesty with consent forsaid Does hereby Dispense for ever.

RATIFICATION in favours of Sir William Dunbar of Hemprigs Knight & Baronet and his spouse of the Barony of Hemprigs. 24

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RATIFICATION in favours of Archibald Douglaſs of Cavers and his son of the Lands & Barony of Cavers. 25

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RATIFICATION in favours of William Bennet eldest lawful son of Sir William Bennet of Grubbet of the Barony of Grubbet. 26

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27 RATIFICATION in favours of Robert Rutherford of Bowland of the Barony of Bowland.

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28 RATIFICATION in favours of Sir William Scot of Harden of the half of the Town & Lands of Dalcove.

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29 RATIFICATION in favours of Mr John Pringle Advocat of the Barony of Hayning.

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30 RATIFICATION in favours of Captain Robert Johnstoun late Provost of Dumfreis and his son of the Barony of Keltoun &c.

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31 RATIFICATION in favours of Mr David Plenderleith of Blyth Advocat & his spouse of the Barony of Kailzie.

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RATIFICATION of a Signature in favours of Charles Earl of Hopetoun exonering them of the tenth of the ore of metals out of the mines at Hopetoun.

32 AT EDINBURGH the 21st day of March 1707 Our Soveraign Lady with the speciall advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Signature under Her Majesties Royall hand with the Discharge Gift and Disposition thereon under Her Majesties Privy Seal in favours of Charles Earl of Hopetoun his heirs and succeſsors The tenor of which Discharge Gift and Disposition under Her Majesties Privy Seal follows ANN by the grace of God Queen of Great Britain France and Ireland Defender of the Faith Forasmuch as We taking into our royal consideration the many great & eminent services done & performed by Charles Earl of Hopetoun & his predeceſsors to us & our royal predeceſsors And specially the great benefit & improvement that has arisen to our antient Kingdom of Scotland by the said Charles Earl of Hopetoun & his predeceſsors their searching out working & winning of lead & lead ore & other mines metals & minerals at his mines at Hopetoun alias Leadhills with great hazard & charges as well in the first tryal & search of the samen as in the prosecution thereof And We considering That by the said Charles Earl of Hoptoun & his predeceſsors their rights & infeftments there is payable to us & our succeſsors the tenth of all ore which shall happen to be win & wrought out of the saids mines & minerals or the sum of One thousand merks Scots money in lieu & place thereof at the option & election of the said Charles Earl of Hopetoun & his forsaids in manner fully expreſsed in their saids rights & infeftments And We being willing to give all due encouragement to the said Charles Earl of Hopetoun his heirs & succeſsors to prosecute & carry on the saids lead works & others which do so evidently tend to the common benefit & improvement of the Nation by constant employment of workmen in all the saids mines and of the country people in the carriage and of seamen and shipping in transporting of the samen to forreign countries Therefor and as a token of our good will Witt ye us not only to have exonered & discharged Likeas we by thir presents with the speciall advice & consent of the Lords & others Commiſsioners of our Thesaury & Exchequer Exoner Quitclaim & simpliciter Discharge the said Charles Earl of Hopetoun his heirs & succeſsors of the forsaid tenth of ore or one thousand merks money forsaid in lieu & place thereof yearly payable to us & our royal predeceſsors in manner abovementioned And that of all years & terms bygone resting unpaid at or preceeding the term of Martinmas last bypast in this present year of God One thousand seven hundred & six years But also to have given granted & disponed Likeas we by these presents for the causes forsaid of our certain knowledge & proper motive with advice & consent forsaid Give Grant & Dispone to the said Charles Earl of Hopetoun his heirs & succeſsors the forsaid tenth of the ore yearly or One thousand merks money foresaid in lieu & place thereof payable in manner above mentioned And that for and during the haill space of Three nineteen years next and immediately following the said term of Whitsunday last bypast in the year of God One thousand seven hundred and six years With full power to them during the space forsaid to poſseſs bruick & enjoy the said tenth of the ore or One thousand merks money forsaid in lieu & place thereof and the samen to their own proper use & behoof to convert & apply freely quietly but any molestation or impediment whatsomever Hereby expreſsly inhibiting & discharging the Lords and others Commiſsioners of our Thesaurie & Exchequer our Advocat Sollicitors General Receivers & others whom it effeirs to charge molest or trouble the said Charles Earl of Hopetoun & his forsaids for and upon account of the premiſses during the space abovewritten in any sort Given under our Privy Seal at our Court at Kensingtoun the Thirtieth day of October and of our reign the fifth year 1706 Per signaturam manu S. D. N. Reginæ suprascript Written to the Privy Seal & Registrate the Eighteenth day of March 1707

(Signed) Will. Alves Dep^{t} Sealed at Edin^{r} the Eighteen day of March 1707 Signed Will. Alves. IN all and ſundry the heads points articles and clauses thereof And Her Majeſtie with conſent forſaid Statutes and Ordains the forſaid Diſcharge Gift and Diſpoſition to be conform to the tenor thereof a good and ſufficient right to the ſaid Charles Earl of Hopetoun and his forſaids during the ſpace therein mentioned Dispencing hereby with all defects and imperfections of the ſaid Diſcharge Gift and Diſpoſition and this preſent Ratification of the ſame.

RATIFICATION in favours of David French of Frenchland of the Town & Lands of Frenchland.

33 AT EDINBURGH the twenty firſt day of March One thouſand ſeven hundred and ſeven years Our Soveraigne Lady the Queens Majeſtie with ſpecial advice & conſent of the Eſtates of Parliament have Ratified and Approven and heirby Ratifies Approves and perpetually Confirmes ane Charter under the Great Seall of the date at Kenſingtoun the 28 of June 1707 containing Precept of Seaſine therein granted be the deceaſt King William Her Majeſties royall brother of ever bleſsed memory with conſent of the Lords & other Commiſsioners of his Thesaury & Exchequer for the time to David French of Frenchland therin deſigned wryter in Edinburgh and his Aires and Aſsignies whatſomever heretablie and irredeemablie With and under the Reſervatione therein ſpecified Of all and haill the Toune and Lands of Frenchland with the tower fortalice manner place and milne thereof Together with the houſes, biggings, yairds orchyairds, mylnelands, multures, ſequells, woods, fiſhings, moſses, muirs, meadows, tofts, crofts, outſetts, inſetts, annexis, connexis, dependencies, pairts, pendicles and haill pertinents of the ſamen whatſomever lyand within the Stewartrie of Annandale and Shirifdome of Drumfreis Proceeding upon the Reſignatione of Rodger French of Frenchland in favours of the ſaid David French and his forſaid as Aſsignie conſtitute be Robert French brother german to the ſaid Rodger to the Diſpoſitione and Procuratory of Reſignatione contained therin of the forſaids Lands granted be the ſaid Rodger French to the ſaid Robert French his brother As alſo proceeding upon ane Adjudicatione of the forſaids Lands and others above written obtained at the inſtance of the ſaid David French before the Lords of Councill and Seſsione againſt Margaret French only lawfull daughter to umquhill Thomas French eldeſt lawfull ſone to umquhill William French portioner of Moffat as lawfully charged to enter aire in ſpeciall to the ſaids umquhill Thomas French her father and William French her goodfir and to umquhill David French portioner of Moffat her grandfir and umquhill French lawfull daughter to umquhill Robert French of Frenchland her grandmother and to umquhill Adam French of Frenchland her grand uncle and to Robert French of Frenchland her great grandfir and umquhill Robert French of Frenchland her great grandfirs father or to ane or other of the ſaids perſones who died laſt veſt and ſeaſed as of fie in the Lands and others above written with the teynds and pertinents threof and againſt James Henderſone taylior in Moffat huſband to the ſaid Margaret French for his intereſt and all others haveing or pretending to have intereſt By which Charter her Majeſtie has not only confirmed and approven all and whatſomever wrytes evidents rights and ſecurities of the ſaids Lands mylne milnelands and others above written granted to the ſaid David French and his forſaids and their predeceſsors and authors be whatſomever perſone or perſones Dispenſing with the generality of the ſaid Confirmatione But also of new Disponed the ſaids haill Lands mylne mylnelands multures and others above mentioned with the pertinents with all right his Majeſtie or his royall ſucceſsors had or might pretend thereto and Dispensed for takeing Seaſine at the manner place of Frenchland or upon the ground of any other pairt of the ground of the ſaids Lands for the whole in all tyme therefter To be holden of his Majeſtie and his royall ſucceſsors in fie and heretadge for ever for payment of the rights & ſervices uſed and wont And in place thereof the ſoume of ane hundreth merks Scots money yearly at two termes in the year Whitſunday and Martimes be equall portiones during the haill ſpace of the ward & nonentry alſemuch for the releif thereof And of the ſoume of Two hundreth merks money forſaid for the marriage of the aire or aires ane or mae when & how oft soever the ſamen ſhall happen to fall For payment of which respective ſums his ſaid Majeſtie was gratiouſly pleaſed be the ſaid Chartor to dispone the ſaid duties of ward nonentry relief & marriage when falling and to Diſpenſe with the entering & infefting of the aires therto notwithſtanding of their minority as is mentioned in the ſaid Charter Whereby his ſaid Majeſtie promiſed to ratifie the ſaid Charter & Infeftment in favours of the ſaid David French and his forſaids in the then current or next Parliament And required the Estates of Parliament to Ratifie the ſamen accordingly Together with the Precept of Seaſine contained in the ſaid Charter and Inſtrument of Seaſine following thereupon In the haill heads clauses obleidgments conditiones tenors and contents thereof And Her Majeſtie and the Estates of Parliament forſaid Statutes Decernes and Ordaines that the foresaid Charter Precept and Seaſine are and ſhall be conform to the tenors of the ſame good valid & ſufficient rights to the ſaid David French & his forſaids for poſ-

seſsing in the terms thereof the Lands & others above written without ſtopt or impediment ſo far as concerns her Majesties intereſt And that the ſame shall never be quarrelled or revocked by her Majesty or her ſucceſsors And that this generall Ratificatione ſhall be alſe valid effectuall and ſuffi-cient to the said David French and his foreſaids as if the said Charter containing the said Precept of Seaſine and Inſtrument of Seaſine following thereupon above ratified were herein de verbo in verbum at length inſert and ingroſsed Whereanent and with all other exceptiones or objectiones that may be moved proponed or alleadged againſt the validity thereof and of this said Ratificatione of the ſame Her Majeſtie and Estates of Parliament forſaid have dispenſed and heirby dispenſes for ever.

34 RATIFICATION in favours of the Principal, Profeſsors and Masters of the College of Glasgow of a Gift of £300 Sterling yearly for payment of its debts &c.

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35 RATIFICATION in favours of Daniel Steuart brother german to Sir William Steuart of Castlemilk of a gift of Receiver General &c. of the imposition for Coinage.

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36 RATIFICATION in favours of William Earl of Kilmarnock of the Lordship & Barony of Kilmarnock.

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RATIFICATION in favours of James Marquiſs of Montrose and his son of the title of Marquis of Montroſs Earl of Kincardine &c.

37 AT EDINBURGH The twenty first day of March 1707 years Our Soveraign Lady with the special advice and consent of the Eſtates of Parliament Ratifys Approves and perpetually Confirms a Charter under her Majestys Great Seall of this Kingdom of the date at Windſore Caſtle the 5th day of August 1706 years granted by her Majesty with conſent of the Lords and others Commiſsioners of Her Theaſury & Exchequer for the tyme to James Marques of Montroſe &c. in lyfrent and David Lord Graham his son in fee and to the heirs male of his body which failzieing to the other heirs male and of tailzie and heirs & aſsigneys whatsoever of the said Marques under the proviſions conditions and irritancys therein mentioned heretably & irredeemably of the honour title and dignity of Marques of Montroſe Earle of Kincardin Lord Graham and Mugdock and of the Marquiſsat Earldom Lordship and Regality of Montroſe Barony of Buchannan Earldome and Regality of Monteith Dukedom Earldom and Regality of Lennox Earldom and Regality of Darnley comprehending the severall lands offices jurisdictions patronages and others respective therein expreſt with Chappell and Chancery power of Justiciary Escheats of the inhabitants and the several burghs of Regality therein specified power of keeping fairs and mercats and other priviledges therein set doun the teinds annuitys of teinds few dutys out of the Isles of Bute and Comry and watchmaill of Kilpatrick Mains of Cardroſs and Caſtle green of Dumbarton & all other lands teinds & rents belonging to the said Castle with the severall offices jurisdictions and others mentioned in the said Charter which proceeds upon the Reſignation of the said Marques and other Conveyances and contains a new Gift of the haill with a disjunction of the Barony of Buchannan and several other lands from all ſherrifdoms and other jurisdictions to which they were formerly united and ane annexation thereof to the Regality of Montroſe With a Declaration that one Seaſine by earth and ſtone at the houſe of Mugdock or mercat Croſs of the Burgh of Regality of Montroſe thereby erected ſhall be ſufficient for the haill Dukedom Marquiſsat Earldoms Lordſhips Barronys Sherrifdoms Regalitys Lands teinds offices juriſdictions and others mentioned in the ſaid Charter To be holden of her Majesty as Queen Princeſs and Stewart of Scotland for payment of the several dutys mentioned therein whereby the taxtward holding of the said Regality of Montroſe and others therein specified is changed to Blench holding for payment of two pennies yearly in name of Blenſch ferm The heirs are allowed to be entered and infeft at any time of their age And the said Marques his son and their forsaids are allowed to Diſpoſe upon the said lands in haill or in part without conſent of her Majesty and without hazard of Recognition which is thereby Renounced and the several rights therein specified of the lands and barrony of Drummond alias Drymon and others are confirmed And Her Majesty with advice and conſent foreſaid Does alſo Ratify and Approve the Precept of Seaſine contained in the said Charter & inſtrument of Seaſine to follow thereon In the haill heads articles & clauſes of the said Charter Precept of Seaſine and Wills Grants Statutes & Ordains that the ſamine Charter Precept & Seaſine ſhall be good valid & ſufficient rights conform to the tenor thereof to the said James Marqueſs of Montroſe his son & their foreſaids for poſſeſsing & injoying in all time coming without ſtopt or impediment ſo far as concerns the intereſt of her Majesty the Lands Regalities offices juriſdictions & others therein mentioned And that the ſame ſhall

never be revocked or quarrelled by her Majesty or her ſucceſsors in any time hereafter And declares this preſent ratification to be as ſufficient to all intents as if every word of the rights hereby ratified were inſerted herein with the not inſerting whereof and with all other defects that can be proponed against the ſamen rights & this ratification thereof Her Majesty with conſent foreſaid hereby diſpenſes for ever.

38 RATIFICATION in favours of Sir Hugh Dalrymple of Northberwick Lord Preſident of the College of Justice of a Gift of the Island & rock called Baſs.

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39 RATIFICATION in favours of Mr Alexander Meinzies of Culterallors and Mary Menzies his spouse of the half of the lands Barony & mill of Culter &c.

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PROTESTATION William Baillie of Lammington against the same, that it should not prejudge his rights.

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40 RATIFICATION in favours of Mr John Mackenzie of Delvin of the Baronies of Delvin & Lentron &c.

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41 RATIFICATION in favours of James Earl of Bute of the Barony & Regality of Bute &c.

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42 RATIFICATION in favours of William Drummond lawful son to George Drummond of Blair-Drummond of the office of Warden of the Mint & Coining house.

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RATIFICATION in favours of Dame Janet Halket Lady Pitfirren of a gift of the privilege of transporting the Coals within the bounds of the estate of Pitfirren free from dutie.

43 AT EDINBURGH the twenty first day of March I^m^ vij^c^ and seven years Our Soveraign Lady with advice and consent of the Eſtates of Parliament Ratifys Approves and perpetually Confirms a Letter of Confirmation and Gift under her Majesties Privy Seall granted by her Majesty with conſent of the Lords and others Commiſsioners of Her Theſaury and Exchequer of this Kingdom of the date at Kenſingtoun the twenty first day of December I^m^ vij^c^ & six years Approving & Confirming to and in favours of Dame Janet Halket spouſe to Sir Peter Halket of Pitfirren alias Wedderburn of Goſsfuird Knight Barronet and to her heirs and succeſsors in the Lands and Eſtate of Pitfirren the full right priviledge & liberty of transporting the Coalls within the bounds of the said Eſtate furth of this Kingdom free and exempted from all payment of any Custom or Bullion or any other dutys whatsoever impoſed or to be impoſed thereupon by the Laws & Acts of this Kingdom made or to be made according as the same have been poſseſt & enjoyed by the said Dame Janet Halket her predeceſsors and authors heretofore in time bypast conforme to their antient rights and immemoriall poſseſsion of the forsaid exemption and immunity in all points And also of new for the said Dame Janet Halket and her forsaids their furder encouradgment to proſecute and follow out the working and winning of the said Coalls and transporting the same to forreign Countreys and without prejudice of their said antient rights and immemorial poſseſsion but in furder corroboration thereof Accumulando Jura juribus of her highnes certain knowledge and proper motive Giving Granting & Disponing and for her Majeſty and her Royall ſucceſsors perpetually Confirming to the said Dame Janet Halket and her foresaids the full priviledge & liberty of transporting the foresaid Coalls from any port or ports within this her Majestys antient kingdom Thereby expreſsly inhibiting & discharging the Lords and others Commiſsioners of her Majestys Thesaury present and to come Her Majestys Theſaurer Theſaurer Deput Advocat and Sollicitors and all others Her Majestics Officers of State and Miniſters of the Law and also the Collectors farmerers and tacksmen of the Cuſtoms of the said kingdom and all others imployed or to be imployed in uplifting collecting & ingathering of the same whom it does or may concern from all charging proſecuting troubling or molleſting the said Dame Janet Halket or her foresaids in the peaceable poſseſsion & enjoyment of the foresaid priviledge continually and exemption for ever Declaring That it is and ſhall be allways leisom and lawfull to the said Dame Janet Halket and her foresaids to poſseſs bruik and enjoy the priviledge immunity & exemption above written either by virtue of their said ancient rights and immemorial poſseſsion foresaid or by virtue of the said new Grant and Disposition of the same or be both or either of the said rights the one but prejudice of the other at their pleaſure in tyme coming in the haill heads articles and clauſes of the said Letter of Confirmation & Gift And Her Majesty with

advice and consent of the said Estates of Parliament Wills and Grants and for her Majesty and her succeſsors Statuts and Ordains the foresaid Confirmation and Gift to be conform to the tenor thereof good valid & sufficient for poſseſsing & enjoying in all time coming without stopt or impediment so far as concerns her Majestys intereſt the above written priviledge & exemption in all time coming And Declares the same ſhall never be revocked or quarrelled by her Majesty or her succeſsors and that this preſent Ratification is and ſhall be as sufficient to all intents as if every word of the said Confirmation & Gift were inſerted herein With the not inſerting whereof and with all other defects and imperfections that can be proponed against the vallidity hereof and right hereby ratifyed Her Majesty with consent foresaid hereby dispenses for ever.

44 RATIFICATION in favours of John Doull Writer in Edinburgh of the lands of Underedge & Southernflat &c.

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PROTESTATION Sir Gilbert Elliot of Minto in name of the Lord Beilhaven against the same, that it should not prejudge his rights.

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RATIFICATION in favours of Captain James Cranstoun of Glen and Mrs Jean Murray his spouse of the Lands of Glen &c.

45 AT EDINBURGH the 21 day of March 1707 years Our Soveraigne Lady with the speciall advice and conſent of the Eſtates of Parliament Ratifies approves and perpetually confirms a Charter under the Great Seall Granted by her Majesty with conſent of the Commiſsioners of her Theſaury and Exchequer for the tyme of the date at Kensingtoun the twentieth day of May I^m^ vij^c^ and four years proceeding on the reſignation of Captain James Cranſton of Glen in favours of the said Captain and Mrs Jean Murray his ſpouſe in conjunct fee and liferent for her liferent uſe only and to the airs male betwixt them in fee which failling to the ſaid Captain James Cranston his airs male of any other marriage which failling his airs and aſsigneys whatſomever heretably and irredeemably under the reſervations and proviſions therein and after exprest of all and haill these pairts of the lands of Glen which formerly belonged in property to the deceaſts John Earle of Traquair and Earle of Traquair his son with houſes biggings yeards and all their pertinents together with liberty and priviledge of casting winning and tranſporting of peits and turfs in and from the moſs of &c. conform to uſe and wont and as the samen are preſentlie poſseſt by Elizabeth Murray relict of the deceast John Cranston and Wm Aitchieſon his tennent lying within the barrony and sherifdome of Peebles Excepting and reſerveing that pairt and pendicle of the forsaids lands of Glen (called Spittlehope) which is excepted & reſerved from the Diſpoſition of the ſaids lands granted to the ſaid John Cranſtoun and his authors As also all and haill the lands of Glen with houſes biggings yeards pairts pendicles and haill pertinents of the ſame lying within the ſaid ſherifdom of Peebles which formerly belonged to John Earl of Traquair Lord Lintoun and Caverſtoune some tyme Lord High Theſaurer of the Kingdom of Scotland oye and air to the deceast James Stewart his Grandfather And wherein he as air to his said Grandfather was infeft together with all right title interest claim of right property and poſseſsion petitor and poſseſsor which Her Majesty or Her predeceſsors or succeſsors had have or any wayes may have claim or pretend to the forsaids lands or any pairt thereof or to the maills and duties of the same in all tyme past & in time comeing by reaſon of waird releif marriage nonentry recognition reduction or any other manner of way or by any other title whatſomever Reſerveing nevertheleſs to the said Elizabeth Murray her liferent of such pairts and portions of the forsaids lands in which she stands infeft in liferent during all the dayes of her lyfetyme conform to her infeftment and ſeaſin thereof As also reſerveing full power and liberty to the said James Cranston (notwithstanding of the said charter and infeftment to follow hereupon) to sell and diſpone the forſaids haill lands and others above specified with their pertinents or any pairt thereof heretably and irredimably or to wadſet the same or grant infeftments of annual rent to be uplifted furth of any pairt of the saids lands to any perſon or perſons for whatſomever sums the said James Cranston shall think fit and to make and grant Diſpoſitiones and other rights and ſecuritys requiſit for that effect without conſent of his ſaids airs obtained thereto and sicklyke and alſe freely in all reſpects as if they were not provided to the forſaids lands for all which one Seaſin to be taken upon any pairt of the ſaids lands is declared to be sufficient to be holden of her Majesty for payment of the several duties mentioned in the said Charter whereby the ward nonentry & relief and marriage when falling for the said lands of Glen which pertained to the Earl of Traquair as oye & heir to the ſaid umquhill James Steuart are taxed to & aſsigned for payment of the respective ſums therein specified vi^z^. of the ſum of ſeventy three pounds Scots money yearly at two terms in the year Whitsunday & Martinmas in winter be equall portions during the Ward & Nonentry with the lyke ſum of seventy three

pounds monie forsaid for releif of the same as also with the sum of one hundred and fourty six pounds monie above written for the marriage of every air when the same shall fall allenerly And the airs notwithstanding of minority are allowed to be entered and infeft And the said Captain James Cranſton & his forſaids are allowed to diſpoſe thereon in haill or in pairt without hazard of recognitione together with the precept of Seaſin contained in the ſaid Charter and Inſtrument of Seaſin thereon In the haill heads articles and clauſes of the said Charter Precept & Seaſine And Her Majesty with conſent foresaid Wills and Grants and for her royall succeſsors Decerns Statutes and Ordains the forsaid Charter Precept & Seaſine to be conform to the tenors of the same good valid & sufficient rights to the said Captain James Cranſton & his forſaids for poſſeſsing & enjoying continually hereafter the lands & others above & therein mentioned so far as concerns her Majesties interest & that the same ſhall never be quarrelled or revocked by her Majesty or her forſaids And alſe that this present Ratification is & ſhall be to all intents alſe effectuall & sufficient as if the said Charter Precept & Seaſine were at lenth inſerted herein with the not inſerting whereof & with all defects & imperfections if any be that can or may be alledged or proponed against the validity hereof or of the said Charter Precept & Seaſin hereby ratified Her Majesty with conſent forſaid for her & her royall succeſsors does hereby Diſpenſe for ever.

RATIFICATION in favours of James Earl of Morton of the Earldom of Orkney & Lordship of Zetland.

46 AT EDINBURGH the twenty firſt day of March I^m^ vij^c^ and ſeven years Our Soveraigne Lady with the speciall advice and consent of the Eſtates of Parliament Ratifies Approves and perpetually Confirmes a Charter under the Great Seall of the date at Kensington the eighteenth day of February laſt granted by her Majestie with consent of the Lords and others Commiſsioners of Her Thesaury and Exchequer in proseccution of ane Act of Parliament dated the tenth day of the said month of February Diſsolving from the Crown the Earledom of Orkney and Lordship of Zetland and others after mentioned in favors of James Earle of Mortoun and his heirs male whatsoever succeeding to his honor and dignitie which failzing to his heirs and aſsigneyes whatsoever heretablie Of all and haill the said Earledom of Orkney and Lordship of Zetland lying in the Kingdom of Scotland with all and sundrie Lands Lordſhips regalities baronies iſles caſtles touers fortalices manner places houses biggings yeards orchyeards parks fences inclosures milns milnlands multures knaveſhips woods fiſhings as well of ſalmond as other fiſhes in freſh and ſalt waters liberties graſsums forentries touns brughs annualrents fermes fewfermes and dueties Togither with all and sundrie Lands called Udall Lands lying within the said Earledom Lordſhip and Iſles of the same With all and sundrie priviledges casualities and commodities whatsoever pertaining thereto as well by sea as land with tenents tenendries ſervice of free tenents as well in landwart as within burgh teinds great and ſmall perſonage and viccarage teinds dueties advocationes donationes and rights of patronage of the kirks chaplanries, alterages and prebendries within the said Earledom and Lordſhip Iſles Udall Lands and others pertaining thereto Togither also with the heretable offices of Justiciary ſhiriffſhip or steuartrie baillierie and foudry within the said Earledom Lordſhip Isles and others above written belonging thereto with wrack and ware and all and sundrie priviledges liberties fees caſualities and other commodities whatsoever pertaining to the said offices of Juſticiary ſhiriffſhip or steuartrie bailiarie and foudry or any of them With full power to the said James Earle of Morton and his foresaids of appointing affixing fencing holding and continuing Courts of Juſticiary ſhiriffſhip or ſteuartrie bailiary and foudry at whatsoever place or places within the haill bounds of the foresaid Earledom Lordſhip Iſles Lands and others above mentioned moſt fit for that effect and of making creating and appointing Juſticiars ſhirifs or ſteuarts bailies and fouuds and their deputs with clerks pro^r^ fiſcals officers ſerjants dempſters and all other neceſsar members of Court for holding the said Courts of Juſticiary ſhiriff or ſteuart Courts and Courts of bailiary and foudry within the haill bounds of the said Earledom Lordship Isles Lands and others above written perteining thereto and of doing all other things requiſite & neceſsar thereanent sicklike and als freely in all reſpects as any other Juſticiar ſhirif ſtewart bailie or fouud within the said kingdom of Scotland or the said Islands of Orkney and Zetland have done or may do by vertue of their said offices at any time bygone or to come And siclike of her Majesties right of the feufermes and other dueties casualities and ſervices of all and ſundrie the heretable vaſsals & others within the said Earledom Lordship Iſles Lands & others above mentioned With full and only power to the said James Earle of Morton and his foresaids in her Majesties name yet remaining ſuperior to enter and receave the said heretable vaſsals who now actually hold of her Majestie and her Crown and their heirs and to grant Charters and Infeftments to any person or persons of the ſaid Earldom Lordship Iſles Lands & others above written or any pairt of the same upon the Resignation or Disposition of the said vaſsalls or Decreets of sale apprysing or adjudication from them and that either by Confirmation or Charters containing Precepts of Seasine and to intromet with uplift and dispose upon all

and sundrie the casualities of the said vaſsalls already vacant or not disposed of or which ſhall happen in all time coming to fall & become vacant by simple or liferent Eſcheat Ward Nonentrie Recognition or any other way whatsoever Without prejudice alwayes to the said Earle and his foresaids of the ſuperiorities and haill casualities of all such vaſsals and others as formerly held of the Earle of Orkney and which do not now hold of her Majestie And also with full and abſolute libertie to the said vaſsals which now hold of her Majestie to return and take their holdings of the said Earle of Morton and his foresaids as they held the samen formerly of the Earles of Orkney at their option Togither with all right and title Her Majestie her predeceſsors or ſucceſsors had has or any wayes may have claime or pretend to the premises or to the feufermes dueties and profites thereof for the termes of Whitſunday and Martimas 1707 & in time comeing by the reason of ward nonentrie acts of annexation Acts of Parliament or any other way as is fully mentioned in the said Charter whereby the haill foresaid Lands and others are united in one Earledom Lordship and baronie with priviledge of Juſticiary ſhiriffhip or ſteuartrie bailiary or foudrie called the Earledom of Orkney and Lordship of Zetland Ordaining one Seasine at the Caſtle of Kirkwall or any part of the said Lands to be sufficient for the whole premises Redeemable alwayes by her Majestie and her ſucceſsors for 30000 lib Sterling as is expreſsed in the said Charter With provision that the said Earle ſhall not be accountable for his intromiſsiones and that the rents of that year wherein the redemption is declaired ſhall belong to him To be holden of her Majestie for payment of the several feu and other dueties mentioned in the said Charter and Act of Parliament relating thereto And Her Majestie with consent of the said Eſtates of Parliament Ratifies and Confirmes the Precept of Seasine contained in the said Charter and Inſtrument of Seasine to follow thereon in the haill heads articles and clauses of the said Charter Precept of Seasine And wills and grants for her and her royall ſucceſsors ſtatuts ordaines and declairs that the foresaid Charter Precept and Seasine are & ſhall be conforme to the tenors of the same good valid and ſufficient rights to the said James Earle of Morton and his foresaids for poſſeſsing and enjoying in the termes thereof the Earledom Lordship and others above mentioned without any ſtop or impediment ſo far as concernes the intereſt of her Majestie or her foresaids and that the same ſhall never be quarreled or revoked by her or them And that this present Ratification is and ſhall be to all intents as sufficient as if every word of the foresaid Charter Precept and Seaſine were inſert herein With the not inserting whereof and with all other objectiones that may be proponed against thir presents and the ſaid writs hereby confirmed Her Majestie with consent foresaid for her and her said ſucceſsors does hereby dispense for ever.

RATIFICATION in favours of John Earl of Stair, of the Earldom of Stair, Lordship & Barony of Dalrymple.

AT EDINBURGH the twenty first day of March 47
one thousand seven hundred and seven years Our Soveraign Lady with advice and consent of the Estates of Parliament Ratifies Approves and perpetualy Confirmes ane Chartor under the great Seall of this Kingdom of the date at St James's the twenty seventh day of February last granted by her Majesty with consent of the Lords and others Commiſsioners of her Thesaury and Exchequer proceeding on the Resignation of John Earle of Stair and William Campbell respective In favours of the said Earle his heirs male and of tailzie therin mentioned and other heirs and aſsigneys whatsoever heretably and irredeemably of the Title and Dignity of Earle of Stair Viscount of Dalrymple Lord Newlistoun Glenluce and Stranrawer and of the lands and barony of Stair and the rest of the lands lordships baronies patronages milnes fishings heretable offices fees and others particularly and generally therin mentioned under the reservations provisions and conditions expreſsed therin Whereby all the rights of the office of Bailliary of the Lordship and Regality of Glenluce and of the lands and baronies pertaining to the Abbacy therof granted to the said Earle and to his predeceſsors and authors are confirmed The toun of Glenluce is appointed the head burgh of the Regality therof in place of the burgh of Barnhill The haill lands and others therein specified are united in one Earldom Lordship and Barony called the Earldom of Stair Lordship and Barony of Dalrymple The manour place of Stair is appointed to be the principall meſsuage therof And one Saſine by earth and stone therat or any part of the said lands is declaired sufficient for the haill To be holden of her Majesty for payment of the severall duties specified in the said Chartor By which the heirs notwithstanding of minority are allowed to be entered and infeft in some of the said lands holden in taxt ward Together with the precept of Sasine contained in the said Chartor and instrument of Sasine to follow therupon In the haill heads articles and clauses therof And Her Majesty with consent forsaid Wills and Grants and for her and her Royall Succeſsors Statutes and Ordaines that the samen Chartor Precept and Sasine shall be good valid and sufficient writts conforme to the tenor therof to the said John Earle of Stairs and his forsaids for poſseſsing and enjoying in the terms therof without stop or impediment soe far as concernes the interest of her Majesty the lands lordships baronies and others abovewritten respec-

tive And Declaires that the same shall never be quarrelled or revocked by her Majesty or her succeſsors And that this present Ratification shall be to all intents as sufficient as if every word of the forsaid Chartour precept and sasine were insert herein With the not inserting wherof and with all other defects and imperfections that may or can be objected against the validity therof and of this present Ratification of the same Her Majesty with consent forsaid for her and her saids succeſsors has Dispensed and hereby Dispenses for ever.

RATIFICATION in favours of Edward Hyde eldest lawful son of Edward Lord Cornburry of a tack of the few duties of the Island of Ila &c.

48 AT EDINBURGH The twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady with the speciall advice and consent of the Estates of Parliament Ratifies Approves and Confirms a Tack under the great Seal of the date at Saint James's the twenty eight day of February last granted by Her Majestie with advice and consent of the Commiſsioners of Her Theſaury and Exchequer to Edward Hyde eldest lawfull ſon to Edward Lord Cornburry and Nephew of umquhil Charles Duke of Lennox his Grand Uncle and Nephew of umquhile Lady Katharine Stewart alias Obrian his Grand Aunt Sister to the said Duke and to his heirs and aſsignees and to Henry Lord Hyde eldest lawfull son of Laurence Earl of Rocheſter for the use of the said Edward Hyde during his minority of the few duties of the Iſland of Ila with the pertinents extending to Nine thousand merks Scots yearly and that for three nineteen years after Whitſunday I^m vij^c and one years for payment of five hundred pound Scots money yearly at Candlemas in name of Tack duty beginning the first terms payment at Candlemas next for this and the former years of the ſaid Tack by which Tack Her Majesty revockes all rights prejudicial thereto or to any other right of the said few ferms and duties which the ſaid Edward Hyde has or ſhall acquire And declares the same null in the haill heads articles & clauses of the ſamen after the form and tenor thereof in all points.

49 RATIFICATION in favours of Archibald Earl of Roseberry of the Lands & Barony of Pitravie &c.

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50 RATIFICATION in favours of Archibald Earl of Roseberry of the Island of Garvie in the river of Forth.

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PROTESTATION Walter Stewart of Pardovan, in name of the Laird of Dundaſs that it should not prejudge his right to the Island of Garvie.

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RATIFICATION in favours of David 51
Earl of Glasgow and Jean Counteſs of Glasgow of the Earldom of Glasgow & Lordship & Barony of Kelburn.

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RATIFICATION in favours of Hugh 52
Earl of Lowdoun of the Lands, Earldom & Estate of Loudoun.

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THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till monday next at ten of the clock.

MARCH XXIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

ADDITIONAL List of Commiſsioners of Supplie for several shyres given in and read and ordered to be added to the Commiſsioners formerly named for the said respective shyres. [Commiſsioners of Supply]

THEREAFTER the Act concerning Publick Debts read a second time and again read over by paragraphs And after some amendments and additions the Act as amended was voted and approven. [Public Debts]

PETITION for the Earle of Crawfurd for ane allowance for his fathers charges and trouble as Præses to the Parliament 1690 read and the petition Recommended to Her Majestie in the terms of a deliverance upon the petition. [Recommendation in favours of the Earl of Crawfurd]

THEN it was moved that now in the conclusion of the Parliament a Letter to Her Majestie be brought in and a Draught of a Letter being accordingly brought in and read the same after some amendments was voted and approven [the tenor whereof follows.]

May it please your Majesty

WE your Majesties moſt dutiful and Loyal Subjects the Noblemen and Commiſsioners from Shyres and Burrows Aſsembled in Parliament Do with [Letter from the Parliament to the Queen]

moſt humble thankfulneſs acknowledge that this Nation has enjoyed many advantages under your Majesties moſt happy government But above all We beg leave to return our moſt humble and hearty thanks to your Majesty for the great care and concern you have ſhown to bring the Treaty of Union of your Majesties Two Kingdoms of Scotland and England to a happy concluſion This Union which has often been attempted by your Royal predeceſsors without effect is by the special bleſsing of Heaven upon your Majesties reign, and your wiſe conduct now brought to perfection, which with the settlement of the succeſsion in the Proteſtant line has eſtabliſhed a laſting monument of your Majesties glory to all future ages, and laid a firm foundation of the security of our Religion And the peace and prosperity of this Island.

WE aſsure your Majeſty We ſhall do our outmoſt in our several ſtations to promote mutual good Correſpondence with our Neighbours of England That We may be United in our hearts and affection for your Majesties service and the publick intereſt of your United Kingdom of Great Britain.

YOUR Majesty was pleaſed by your moſt Gracious letter to Recommend to us to provide Supply's for your troops garrisons and ships here; We have chearfully offered to your Majeſty such supplies as the preſent circumstances of this Nation could poſsibly bear And We in all humility intreat and hope your Majeſty will graciouſly accept of them.

YOUR Majeſties choice of the Duke of Queensberry to repreſent your Royall perſon in this Seſsion of Parliament was moſt acceptable to Us And We cannot but acknowledge that the ſucceſs in the weighty affairs which have been before Us is very much owing to his prudent and ſteady conduct.

MAY God Almighty who has hitherto Bleſs't your Majesties Arms and Councills with wonderfull succeſs preserve and prosper your Majesty long for a laſting bleſsing to your people and a firm support to your Allies, We are with all submiſsion and duty,

Subscribed in presence by warrand and in name of the Eſtates of Parliament By
May it pleaſe your Majesty
Your Majesties most Loyal most faithfull and most obedient subject and servant
SEAFIELD Cancellar.
I. P. D. P.

Edinburgh 24th March 1707.

THEREAFTER the following Petitions viz. Petition Thomas Lockhart surveyer at Leith Petition Ensigne William Dick Petition Robert Henderson Bibliothecar of the Colledge of Edinburgh were all moved and Recommended to Her Majeſtie in the terms of the Delyverances on their respective petitions.

[Recommendation Thomas Lockhart Ensign William Dick & Mr Robert Henderson bibliothecar of the College of Edinburgh]

PETITION Alexander Black and partners of a Starch Manufactory for endueing their work with the priviledges of other manufactorys and for imposing a dutie on foraigne Starch read and the desire thereof granted in part conform to a Delyverance on the petition.

[Act in favours of Alexander Black & partners for a Starch manufactory

JAMES Finlaysone servitor to Mr Robert Alexander one of the Clerks of Council and Seſsion Recommended to Her Majesties Thesaurie conforme to a Delyverance on his petition.

[Recommendation in favours of James Finlayson]

PETITION John Hamilton Town Clerk of Irvine moved and Recommended to Her Majestie in the terms of a Delyverance thereon.

[Recommendation in favours of John Hamilton Town Clerk of Irvine]

OVERTURE for an Act in favours of Manufactories for Wool read and a first reading ordered to be marked thereon.

[Manufactories for Wool]

PETITION for James Cunynghame of Auchinharvie younger moved and the consideration thereof delayed till next Sederunt of Parliament.

[James Cuningham of Auchinharvie]

THEREAFTER John Corſs Writer in Edinburgh and John Smith late Muster Master Depute were Recommended to Her Majestie conforme to delyverances on the respective petitions.

[Recommendation in favours of John Corſs Writer in Edinburgh]

[Recommendation in favours of John Smith late Muster Master Depute]

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

MARCH XXV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

JAMES Cunningham of Auchinharvie younger was upon his Petition Recommended to Her Majesty in the terms of the deliverance thereon.

[Recommendation in favours of James Cuningham of Auchinharvie younger]

THE Lord President and remanent Lords of Council and Seſsion Recommended in a speciall manner to Her Majesty for the augmentation of their Sallaries conform to a Recommendation apart.

Recommendation to Her Majesty in favours of the Lords of Session

A MOTION being made by the Lord Marques of Montrose Lord President of the Privy Councill 'That seing the present sallaries of the President and remanent Lords of Seſsion were long since setled and that great alterations have happened in the value of money and pryces of all things whereby these sallarys are now become disproportioned to the Dignity pains and expense of that trust and that the sallaries being out of different funds do require charge and trouble to collect and recover them And also seing that in this Parliament there is a new addition made to their labour The Jurisdiction of the Commiſsion for plantation of kirks and valuation of Teynds being transferred to the Seſsion It might be humbly Recommended to Her Majestie by this House in her Great wisdom to make furder provision for the said Lord President and other Lords of Seſsion their sallarys out of some sure fund and so as their sallarys may be paid easily' To which motion the house did agree And did Recommend to my Lord High Commiſsioner to lay this their humble request before Her Majesty.

THE Maſsers and Clerks servants and keepers and servants of the house Recommended to the Lords of Her Majestys Theſaury for a gratification for their attendance and service this Seſsion of Parliament conform to deliverances on their respective Petitions.

[Recommendation in favours of the Macers and Clerks Servants and Keepers and Servants of the House]

JAMES Steven Usher likeways Recommended to the Lords of Thesaury upon a Petition conform to a deliverance thereon.

[Recommendation in favours of JamesSteven Usher]

WILLIAM Bayne upon a petition Recommended to Her Majesty conform to the deliverance on the said petition.

[Recommendation in favours of William Bayne]

ACTS of Ratification in favours of several persons read and paſs'd.

[Acts of Ratification paſsed]

PROTESTATION taken in favours of the Duke of Hamilton against one of the above Ratifications in favors of the Duke of Douglas in so far as concerns his first vote in Parliament and other precedencies therein mentioned.

[Protest, Duke of Hamilton agt the Duke of Douglas]

AS also severall Warrands for Fairs &c. read and granted.

[Warrands for Fairs granted]

ORDERED that the Fairs granted this Seſsion of Parliament if not extracted within ſix moneths shall be void and null.

RATIFICATION in favours of Archibald Duke of Douglas, of the Dukedome, Marquisate, Earldom, Lordship & Barony of Douglas & Angus & of the first vote in Parliament &c.

53 AT EDINBURGH the twenty fifth day of March One thouſand ſeven hundred and seven years Our Soveraign Lady with the ſpeciall advice and conſent of the Eſtates of Parliament Ratifies Approves and perpetually Confirmes ane Chartor under the Great Seall of this Kingdome of the date at Kenſingtoun the tenth day of March inſtant granted by her Majesty with Conſent of the Lords and others Commiſsioners of her Majesties Theſaury and Exchequer to Archibald Duke of Douglas and his heirs and others therein mentioned heretably and irredeemably Of the Lands Lordſhips Regalities Baronies and others particularly and generally therein expreſt With all the Dignities enjoyed by the deceaſed Archibald Earle of Angus or his predeceſsors And specially the first vote in Parliament Leading the Vann the day of Battle, and Carrying the Crown in Parliament All formerly united in the Earldom of Angus And of the Lands and Barrony of Dudupe Comprehending the severall Lands office and others therein specified Proceeding on the Resignation of him and his Tutors and Containing a new Gift of the haill with a disjunction of the Lordſhip and Barony of Douglas & others from all Sheriffdoms Regalities & other Juriſdictions and ane Union thereof in the Regality Lordſhip and Barony of Douglas And alſe ane Erection of the Lands of Dudupe and others therin ſpecified In the Regality Lordſhip and Barony of Dudupe With the Jurisdiction of Regality Chappell Chancellary and Juſticiary Escheats of the Vaſsalls and Inhabitants and other priviledges belonging to the saids severall Regalities And sicklyke ane Erection of the Burgh of Douglas in a Burgh of Regality and of the Burgh of in another free Burgh of Regality to be called the Burgh of Regality of Dudupe which is thereby ordained to be the head Burgh thereof with the priviledge of mercats and fairs of the saids severall Burghs as is mentioned in the said Chartor Which contains also a Gift and Disposition of the mynes and mineralls within the Barony of Robertoun and the said Regality of Dudupe and ane Union of the haill Earldom Lordships Regalities Burghs and others therein specified In ane Dukedome Marquisate Earldom Lordſhip and Barony of Douglas and Angus Ordaining the Castle of Douglas to be the prin^{ll} meſsuage therof And one Sasine by Earth and Stone therat or at any part of the said Dukedome to be sufficient for the haill Declairing that the said Union shall not prejudge his Priviledges and Dignities belonging to him as Earl of Angus or otherways To be holden of her Majeſty for payment of the severall Duties therin expreſt By which Chartor the feu and taxtward holding of the Barony of Douglas and others is changed to a blench holding for payment of ane penny Scots money yearly Together with the precept of Sasine contained in the said Chartor and Inſtrument of Sasine to follow thereon In the haill heads articles and clauſes thereof And Her Majesty with advice forsaid Wills and Grants Statuts and Ordaines That the forsaid Chartor and Sasine to follow thereon are and shall be conforme to the Tenors of the same good valid & sufficient Rights and Titles to the said Archibald Duke of Douglas and his forſaids for poſſeſsing and enjoying in the terms thereof without stop or impediment so far as concerns the Intereſt of her Majesty or her Royal Succeſsors in all time coming the Lands Lordſhips Regalities Baronies Dignities and others abovementioned and therin contained And Declaires that the same shall never be quarrelled nor revocked by Her Majesty or her forsaids hereafter As also that this preſent Ratification shall be alse valid & sufficient and of als great force strength and effect to all intents and purpoſes as if every word of the Chartor & Sasine hereby Ratified were Inſert herein With the not Inſerting wherof and with all other defects and imperfections that may be objected against the same and this preſent Ratification therof Her Majesty for her and her forsaids with consent above mentioned Has Dispensed and hereby Dispenses for ever.

PROTESTATION the Duke of Hamilton against the same.

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RATIFICATION in favours of Mr John Murray Advocat Commiſsar of Peebles of the Barony of Yare. 54

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RATIFICATION in favours of Sir Thomas Moncrief of that Ilk and Sir James Mackenzie Advocat, of the office of Clerk to the Thesaury &c. 55

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RATIFICATION of a gift in favours of John Veitch elder of Daick & John Veitch his son of the office of presenting Signatures in Exchequer &c. 56

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57 RATIFICATION in favours of James Viscount of Primrose, of the Regality of Primrose.

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58 RATIFICATION of the gift in favours of George Earl of Cromarty, of the Chaplanries of Alneſs Newmore & Tarlogie &c. at the burgh of Dingwall.

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59 RATIFICATION in favours of John Viscount of Garnock, of the Barony of Kilbirny.

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60 RATIFICATION of a gift in favours of Colin Earl of Balcarras, of £500 Sterling yearly out of the Lands & Lordships of Fife, Strathairne &c.

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61 ACT in favours of Sir Alex^r Campbell of Ceſsnock, for yearly fairs & mercats at the touns of Galstoun & Riccartoun.

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62 ACT in favours of the Burgh of Dunbar for a yearly fair.

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63 ACT in favours of the Burgh of Campbeltoun for three yearly fairs.

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64 ACT in favours of John Duke of Argyll for five yearly fairs at the toun of Dunoon.

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65 ACT in favours of Mr John Campbell of Oatter for two yearly fairs at the ferry of Oatter.

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66 ACT in favours of John Lord Balmerinoch for changing a yearly fair at the toun of Cupar in the shire of Forfar.

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67 ACT in favours of John Bruce of Kinroſs for four yearly fairs at the toun of Kinroſs.

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ACT in favours of Sir Alex^r Cuningham of Corsehill for four yearly fairs & a weekly mercat on the 40 shilling land of Cocklebee. 68

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ACT in favours of Sir Samuel Forbes of Foveran for three yearly fairs upon the lands & barony of Foveran. 69

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ACT in favours of James Sinclair of Lyth for various fairs in the shire of Caithneſs. 70

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ACT in favours of Sir David Carnegy of Pittarro for two yearly fairs upon Cammockmuir. 71

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ACT in favours of the Lady Cardroſs for two yearly fairs & a weekly mercat at the toun of Brocksburn. 72

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ACT in favours of David Earl of Glasgow for three yearly fairs & a weekly mercat upon the lands of Doghilloch. 73

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ACT in favours of Sir Francis Kinloch of Gilmertoun for a yearly fair & weekly mercat at the toun of Athelstanfoord. 74

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ACT in favours of Sir Alexander Murray of Melgum for a weekly mercat at Arlemno. 75

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ACT in favours of William Bennet younger of Grubbet for two yearly fairs & a weekly mercat at the kirk of Yetholme. 76

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ACT in favours of Sir James Dalrymple of Killoch for two yearly fairs at Herriothouse. 77

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ACT in favours of Sir John Areskine of Alva for two yearly fairs at the toun of Alva. 78

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IT being moved to Recommend Mr Paterson to Her Majesty for his good service After some reasoning thereon It was put to the vote Recommend him to Her Majesty or not and it carried Recommend.

[Recommendation in favours of Mr Paterson]

ALEXANDER Baillie servant to the Lord Register Recommended to the Lords of Thesaury on a petition conform to deliverance thereon.

[Recommendation in favours of Mr Alexr Baillie Servitor to the Lord Register]

AT Edinburgh the [25th] day of March 1707 years Her Majesties High Commissioner and the Estates of Parliament having heard the petition of Alexander Baillie Servitor to the Lord Register Humbly shewing That after the great fire in February 1700, which occasioned the Transporting, for preservation, all the Records and Warrands from the Lower Parliament house to the old Church; The confusion that happened thereby, gave the petitioner, who was intrusted with the Keeping of them, continual Labour since, in putting them in the order, wherein they now are, which is much better than ever formerly, many of them, even before that time, being altogether in disorder, as is known to many of the Honourable members, and making up a new Inventary of all the Books of Registers, which he did without geting any allowance; And further in September 1702, when a Committee of Privie Council had inspected the Records in the Lower Parliament house, for discovering what writs and papers lying there might be necessary, for the then intended Union; Their Lordships of the Council did order a particular Book of Register of all the publick writs which had been inspected by their Committee, to be made, and Extracts of any of the saids writs, when called for, to be given to the Commissioners of Treaty: and for so doing, there was a Recommendation to the Thesaury; yet the petitioner had received nothing, altho' that in obedience to that order, he did at that time, on his own expence, deliver to Sir David Dalrymple her Majesties solicitor, Extracts of many of the saids old writs, and since that time had been at pains of searching for all the Publick Writs and Treaties betwixt this Kingdom and that of England, France and other Nations, that could be found, and had made up a Register thereof which was therewith produced, Craveing therefore His Grace and the Honourable Estates of Parliament, to appoint such a sum as should be thought a Competent allowance for the Petitioners Pains and Charges in putting the Records in order, making a new Inventory of the Books, making up the said Register, and giving furth Extracts as said is to be paid out of some certain Fund as His Grace and their Lordships should judge proper as the said petition Bears And Her Majesties High Commissioner and the Estates of Parliament Having heard this petition They Recommended and hereby Recommend the petitioner to the Lords Commissioners of her Majesties Thesaury for a further Gratification and Reward of his pains and service mentioned in this Petition.

[Acts touched with the Scepter]

THE following Acts viz. Act in favors of the Incorporations of Edinburgh for a Maiden Hospital Act in favors of the Town of Dundee Act in favours of the Town of Aberdeen Act in favors of the Duke of Hamilton and Town of Borrowstounes Act in favors of the Burgh of Kirkcaldie Act renouncing the reversion of Kirklands Act in favors of the Burgh of Kinghorn Act for clearing the passage through the Mary Wynd in the Burgh of Stirling Act in favors of the Earl of Linlithgow & Callendar Act in favors of the Lady Littlegill and her son Act of Naturalization of John Henry Huguetan Act for Naturalization of several Foreigners Act for preserving the Game Act in favors of the Earl of Buchan Act of Dissolution of the Mines & Mineralls belonging to His Grace the Duke of Queensberry Act for burying in Woollen Act in favours of the Maiden Hospital founded by the Company of Merchants and Mary Erskine Act concerning the payment of the sums out of the Equivalent to the African Company and Act concerning the Publick Debts were all touched with the Royal Scepter by her Majesties high Commissioner in the usual manner.

ACT in favours of the Incorporations of Edinburgh for a Maiden Hospitall.

OUR SOVERAIGNE LADY with advyce and consent of the Estates of Parliament Considering that there is a pious and laudable designe now carying on by the Incorporations of the Craftsmen of Edinburgh and others who joyn with them and authorized by the Town Councill of the said Burgh by their act dated the thrid day of May One thousand seven hundred and four years for founding and erecting a Hospitall for the mantenance and education of the female Children and Grandchildren of decayed Craftsmen and others to be presented by persones who gives donations therto, which may be of generall advantage and especially to the City of Edinburgh, Therfore Her Majestie with advyce and consent forsaid Doe hereby allow and authorize the said Incorporations of the Craftsmen of Edinburgh and others, joyning or who shall joyn with them, to meet as oft as occasion requyres and to make such rules and constitutions for the carying on & supporting of the said Hospitall allenerly as they shall find just & convenient; As also to settle such funds as weel out of their 79

publict Boxes belonging to their respective Administrations as private Estates as they shall think fitt and to receave Mortifications or Donations from any person who shall be pleased to contribute thereto; The saids rules and acts to be made by them being alwayes consistent with the Lawes of the Kingdome, and with the Acts & Constitutions of the City of Edinburgh, And Statutes and Ordains the saids Rules & Constitutions to be made by them, to be as valid & effectuall to all intents & purposes for the ordering and governing of the said Hospitall abovementioned, as if they were particularly exprest and sett down in this Act Wheranent Her Majestie with advyce and consent forsaid dispenses for ever. And Farder Her Majestie with advyce & consent forsaid Ordains & Declares the forsaid Hospitall when sett up and settled in its Constitutione and Directors and Overseers, to be a frie Hospitall for the pious uſe aforsaid, With power to the said Hospitall and its Overseers and Directors, not only to adminiſtrat the fonds and rents appertaining therto Bot lykewayes, to purchaſs and acquyre Lands, Tenements and others for the farther good and advantage therof; And for that end to make grant and receave all manner of deeds and wryts neceſsary for that effect, and to have a Seal if they shall think neidfull, and with such Inscriptions as they shall appoint for the Confirmation of the saids deeds, And generally, to have all such powers, liberties and immunities of a frie Hospitall for pious uses, as any other Hospitall for the lyke uſes hath, or by the Law may have within this Kingdome.

ACT in favours of the Town of Dundee for an Imposition upon Ale & Beer.

80 OUR SOVERAIGN LADY the Queens Majestie with the advice and consent of the Estates of Parliament takeing unto their serious consideration the great and unsupportable debts extreame distreſs manifest decay and inminent ruine of the Royall Burgh of Dundee partly contracted and occasioned in the time of the troubles in King Charles the First his Reign they being then obleidged by publict authorite to fortifie the Toun upon their oun expenses and partly by the sad callamity and loſs the toun sustained in the year I^{m} vj^{c} and fiftie one throw its being stormed and taken in by the then Usurper wherby the said Burgh was pillag'd and plundered in a most lamentable manner As also the vast damnages and loſses the toun sustained by the beating doun of its harbour the neceſsar reparation whereof was exceeding expensive and burdensome Moreover the great charges which the toun was at by the marching and countermarching of troups throw the Burgh about the time of the Revolution with the universall decay of trade especially in that place Therfore Her Majestie out of her royall care and bounty for the releif and support of the said toun doth with the advice and consent of the saids Estates of Parliament Give Grant and Dispone to the said toun of Dundie Provost Baillies Magistrats and Councill and Community therof and their succeſsors in office for their use and behoof ane Imposition of two pennies Scots upon the pint of all ale and beer to be either brown or inbrought topt vended and sold within the said toun and Hilltoun of Dundie and other liberties and suburbs therof (and that over and above the Queens annexed Excyse) commenceing from the date of thir presents and thence to endure for all and haill the space of Twentie four years therefter Imposeing and Ordaining the same to be payed to the said toun and Magistrats and Councill therof by the brewars vintiners sellers topers & retaillers of the said ale and beer dureing the haill space and years above exprest and the same to be uplifted payed and ingathered weekly monethly quarterly as the forsaid Magistrats and Toun Councill shall think fit to prescryve and order Strictly hereby appropriating and appointing the forsaid Imposition and product therof for the payment of the Towns debts And with this provision as it is hereby expreſsly provided and declaired that the said imposition is and shall be burdened with the sum of Twelve hundred pounds Scots money yearly for the space of six years to be payed to Mr James Andersone Writer to the Signet or his aſsigneyes as a part of the expenses of the work recommended by the Parliament to him and that at two termes in the year Mertimaſs and Whitsunday beginning the first termes payment at Mertimas I^{m} vij^{c} and seven years And Ordains the Magistrats of the said Burgh to make payment of the same accordingly And Her Majestie with advice and consent forsaid Ordains formall books to be kept by the Toun Thesaurer containing ane particular and exact accompt of the product of the said Imposition and yearly application therof for the ends above specified in manner aftermentioned and that separat and apairt from any other books [concerning] the touns common good or other Revenues And which books shall contain in the beginning a full fair and true List of the touns debts principall and annualrents due at Mertimas I^{m} vij^{c} and six years and of the bonds granted therfor and of the persons names and designations to whom the same are due and that the present Magistrats shall delyver ane subscryved double of the forsaid List of debts in order to its being recorded in their Guildrie books to the intent the same may be exposed to the view of all concerned especially to the burgers of the said toun with the whole accompts and rolls relative to the said imposition in order to the said burgers and others concerned in the said toun their takeing exact tryall of the verity justnes and extent of the saids debts and imposition And how the

same was yearly applyed in such manner and by such persons as shall be appointed by them for that effect And that how soon any advantage shall arise to the said Burgh by the above imposition now granted in their favours that then and immediatly after the expiration of each year therof at least betuixt and the first day of January after the said expiration the said Magistrats and Town Councill shall be holden and oblidged to make payment of the neat product of the said imposition for disburdening of the toun of the haill bygone annualrents of the principall sums and ministers stipends resting owing preceeding Mertimas I^{m} vij^{c} and six years in the first place And that conforme to a List therof herewith given in And which is to be recorded in formal books as above And in the nixt place for paying the principall sums themselves proportionally and effeiring to the extent and yearly product of the forsaid imposition And Her Majestie with advice and consent forsaid Ordains the neat product and accompt of the forsaid imposition to be made up betuixt and the first day of January yearly after the expiration of ilk year And discharges of annualrents bygone ministers stipends and bonds to be retired yearly conforme to the extent and product of the said imposition and that betwixt and the first day of February therafter That the same with the other revenues of the toun shall dureing the time of the act be mannaged and disposed of at the sight and by the advice of the persons following To wit the Provost of Dundie and six of the Toun Councill nominat by the Toun Councill yearly wherof fyve to be a Quorum and by fyve Creditors not Councillours chosen by the Creditors three whereof to be a Quorum By three maltmen not Councellors chosen by the maltmen and by the authoritie of the Dean of Guild two whereof to be a Quorum And by two tradsmen not Councellors chosen by the Conveener and trades one whereof to be allwise present And all which to be yearly chosen And the said joynt committies or their respective Quorums to meet quarterly by advertisement from the Provest of the burgh for the time And the yearly clearing of accounts to be in the presence of the Earles of Strathmore Panmuire Northesk and Lord Balmerino Mr Francis Montgomrie of Giffan Mr Pat. Lyon of Auchterhouse Mr Henry Mauld of Kellie Mr James Carnegie of Phinhaven James Halyburton of Pitcurr Thomas Fothringame of Pourie David Graham younger of Fintrie [Alex^{r}] Duncan of Lundie and John Scrimsar of Kirktoun or any of them who shall please to inspect the same They allwise haveing advertisment from the provest or baillies of the said burgh for the time of the said dyet of meeting as said is that so the debts may be yearly diminished and bonds cancelled and dilate out of the List of debts due be the said Toun beginning the first termes instruction of the said payment at the terme of Candlemafs I^{m} vij^{c} and eight years and that for the year preceeding and so furth to continue dureing all and haill the space of this act And that there shall be publict intimation given to the haill merchants of Dundie to be present at the said annuall meeting upon the day of yearly in order to their full satisfaction anent the neat product of the forsaid imposition and due application therof for payment of the Touns debts in manner above exprest And furder it shall be leisome and lawfull to all or each burger of the said town And they are hereby authorized and impowered to prosecute the saids Magistrats who shall not apply the forsaid imposition in the termes of this act And who are hereby declaired lyable in repetition and payment of whatever pairt of the above sums appointed to be payed yearly as aforsaid shall be unpayed or suffered to perish or become unprofitable by them through their neglect or negligence And that before any Judge competent and for payment of the expenses in the pursuite according to the pursuer his oath in litem without any manner of diminution or modification And Lastly Her Majestie with advice and consent forsaid doth nominat and appoint the persons above specified each of them in their oun clafses and their respective joynt committees and quorums of them to be overseers of the said new imposition and manadgement thereof in manner particularly above mentioned And its hereby Declaired that it shall be leisome to the saids Magistrats and Toun Councill to ferme and set in tack the said imposition by way of publict roup at the sight of the above overseers or their joynt quorums Without whose consent It is also declaired That the saids Magistrats can contract no debt for the time forsaid whereby the faid Toune may be farder burdened.

ACT in favours of the Town of Aberdeen for an Imposition upon Liquors.

OUR SOVEREIGN LADY and Estates of Par- 81
liament considering a Petition given in by the Provost Baillies and Councill of Aberdeen Representing the expence they have been brought to by the reparation and building of a bulwark for supporting their harbour by the reparation of their prison and expence they will be put to in bringing water into the Toun By which and their former debts they are reduced to straits and therefore Craving a prorogation of a former gift in their favors for the space of twenty five years after outrunning thereof Therefore Her Majesty & Estates foresaid Do hereby Ratifie and Approve the said former Act in their favors which is dated the sixteenth day of July I^{m} vj^{c} and ninety five And after expiration thereof Prorogat the same for the space of twenty five years more to be uplifted & collected by them in such form and manner during

the said twenty five years as they shall think fit They being always oblidged to apply the sum so uplifted by virtue of this and the former gift towards the payment of the principall sums due by them in the first place And that at the sight of the Earl of Seafield Lord high Chancellour the Earl of Mar Lord Secretary the Earl of Erroll Earl Marischall Earl of Kintoir the Lords Forbes and Fraser Sir Thomas Burnet of Leyes and the present Commissioners to the Parliament for the shire of Aberdeen to whom from year to year they are to be accountable for their management With the burden always of fourty pounds Sterling yearly during the continuance of this and the former gift towards a sallary to Doctor Thomas Bowar Regius Professor of Mathematicks in the Kings Colledge of Aberdeen and his successors in office payable at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment at Whitsunday next And thirty pounds Sterling payable at Whitsunday and Martinmas next by equall portions to Alexander Baillie servitor to the Lord Register or his assigns in part payment for his great pains and expence in putting in order the Records and Warrands in the Lower Parliament house Making Inventorys of the books and Searching out and writing a register of the old Publick Treaties betwixt this and other Nations And Ordain the Magistrats of the said Burgh to pay the said respective sums accordingly And to the effect the said Toun of Aberdeen may be the better inabled to pay the said sum of fourty pounds Sterling yearly to the said Doctor Bowar and his successors and the said Thirty pounds Sterling to the said Alexander Baillie in manner forsaid out of what arises from the said gift And in regard they have severall publick and useful works of their own to finish and carry on for the publick utility Therefore Her Majesty and the Estates of Parliament Extend the imposition upon Liquors mentioned in their said gift to what shall be brown and vended in the old toun of Aberdeen, Colledge bounds Spittle and Seaton, from and after the said term of Whitsunday next And Statut and Ordain That all liquors brown and vended in the said old toun Colledge bounds Spittle and Seaton, from that term and during the continuance of this gift shall be lyable to the same imposition on liquors that are brown and vended in the New-toun, And that the said Toun of Aberdeen their Collectors or tacksmen may levy collect and uplift the said imposition during the space foresaid in the same way and manner as they have levyd and collected or shall levy and collect the same from their own brewars and retailers And Declare this Act to be as effectuall as if it had been contained in their first gift hereby prorogated.

ACT in favours of the Duke of Hamilton and Town of Borrowstounness for an Imposition on Ale & Beer.

OUR SOVEREIGN LADY takeing to consideration That the Toun of Borrowstounness is most conveniently situated for trade and the place where both natives and strangers with their ships and vessells resort but for want of a peer or harbour many inconveniencies arises to the great hurt and damnage both to merchants and owners of ships and goods being necessitat to load and unload the same by boats and lighters at inconvenient seasons being oblidged to wait upon tides and calm weather to the great prejudice of all concerned and to the great detriment of her Majesties revenue by diminution of the duty of damnified goods which frequently falls out upon the reasons above mentioned All which would be avoided if there were a convenient peer or harbour for loading and unloading in manner foresaid And considering that the Inhabitants of the said Toun and parish thereof are desireous and willing that the imposition aftermentioned be granted for building of a harbour at the said toun as a paper under their hands hath testified Therefore Her Majesty with advice and consent of the Estates of Parliament Doth hereby allow an imposition of two pennies Scots upon each pint of all ale and beer to be brown and vended within the said Toun and parish to be Uplifted and Collected by his Grace the Duke of Hamilton his heirs and successors or their Collectors and that for the space of Nineteen years And the money so to be uplifted is hereby destinat and appointed for erecting and building the said harbour And the said Duke of Hamilton and his foresaids are to apply the said Money for the use and end abovementioned at the sight of William Marquess of Annandale and John Earl of Ruglen or any one of them their heirs or successors in case of their decease And the said Duke of Hamilton and his foresaids are hereby authorized to enter to the Collection of the said imposition at and after the term of Whitsunday 1^{m} vij^{c} and seven With the burden always of Thirty pounds Sterling payable at Whitsunday and Martinmas next by equal portions to Alexander Baillie servitor to the Lord Register or his Assigns in part payment for his great pains and expence in putting in order the Records and Warrands in the lower Parliament house, Making up Inventorys of the books and Searching out and Writing a register of the old Publick Treaties betwixt this and other Nations And Ordain the said Duke and his foresaids to pay the same accordingly. 82

ACT in favours of the Burgh of Kirkcaldy for an Imposition on Ale & Beer.

83 OUR SOVERAIGN LADY and the Estates of Parliament Considering that the Burgh of Kirkaldie having by the building of ane Harbour, Tolbooth and other publick works, contracted debts far beyond their Common good, wherby and by the great Loſs the Inhabitants have ſuffered in ſhipping, during the late and present War, they are so Impoverished that the burgh is in great hazard of going to utter ruin to the publick Loſs of the Nation: And seeing ane Imposition in favours of the burgh of Two pennies upon each pint of ale and beer browen and vended within the priviledges of the same for a suitable time would be a ready mean for preventing therof; and that the far greatest part of the burgeſses and inhabitants (who only can be the ſufferers) have by a Writ under their hands signified their consent therto. Therfore and for the better enabling the said Burgh to perform that Dutie and Service to the publick, which upon all occasions they have been ready to do, Her Majestie with advice and consent of the said Estates, Authorize and Impowers the Magistrates and Toun Counſell of Kirkaldy (or such as they ſhall appoint) to Collect and Ingather ane Imposition of Two pennies (distinct from the Excyſe payable to Her Majesty) upon each pint of ale and beer browen and vended within the priviledges of the ſaid Burgh for the space of Twenty five years from and after Whitsunday next in the year I^m^ vij^c^ and ſeven to be applied for the payment of the publick debt of the burgh in the first place, and for repairing the harbour and other publick ends of the burgh in the next place, With full power to the Magistrates and Toun Counſell or their Collector to Poynd and Diſtrenzie, and to uſe such order for Inbringing therof as they are in uſe to do for any part of their Common good. With the burden of Twenty five pounds Sterling yearly to be payed to the seven Macers of Parliament for the first four years and Ten pounds Sterling yearly to Doctor Thomas Bower Profeſsor of Mathematicks in the Kings Colledge of Aberdeen towards a Sallarie to himſelf and succeſsors in the said profeſsion from the ſaid term of Whitsunday for the haill subsequent years contained in this Act which Her Majesty with advice forsaid Decerns and Ordains to be payed to him and his succeſsors in office by the Magistrates and their Collectors at two terms in the year Whitsunday and Martinmaſs by equall portions accordingly And that the ſaid two pennies of the pint ſhall be applied to the uſes abovementioned by the ſaid Magistrates at the sight of the Earles of Rothes, Weems, Leven, Lord Sinclar or any two of them their heirs and succeſsors who are hereby authorized to call the ſaid Magistrates and their Collectors to accompt for the same.

ACT Renouncing the Reversion of Kirklands.

OUR SOVEREIGN LADY Considering that 84
by the severall annexations of Kirklands to the Crown the feu duties are Reserved to the Lords of Erection, redeemable by Her Majesty and succeſsors by payment of a thousand Merks for each hundred merks or chalder of victuall and proportionally for every other duty not being naked services And that this Reversion has been no profit to the Crown but a Let and Impediment of all Transactions betwixt the Lords & fewars theranent And that the ſaid Lords of Erection and their Succeſsours in their rights have been alwayes most dutifull to Her Sacred Majesty and Her predeceſsors Therfore and for the other grounds above written Her Majesty with advice and consent of the Estates of Parliament Diſsolves the ſaid feu duties from the Crown and Rescinds all the Acts of Annexation therof to the effect the same may remain with the Lords of Erection and thoſe having right from them irredeemably and for ever And therfore Discharges the ſaid Reversion contained in the ſeverall Acts of Parliament And for Her and her Succeſsors Renounces the same for ever And Wills and Ordains that this generall Discharge and Renunciation shall be alse valid and effectuall to every person concerned as if they had particular Discharges and Renunciations apart Registrate in the Register of Reversions and Discharges therof Wheranent and anent all Imperfections that may be objected Her Majesty for her ſelf and ſucceſsors with advice and consent forsaid Hes Dispensed and hereby Dispenses for ever Declaring this Act ſhall not preclude Her Majesty and Her Royall Succeſsors of the Right of Superiority of the said Erections or of any Duties Casualties or Services prestable by the Lords of Erection for the samen conforme to their ſeverall Rights thereof.

ACT in favours of the Burgh of Kinghorn for an Imposition on Ale & Beer.

OUR SOVERAIGN LADY and the Estates of 85
Parliament Considering that the Burgh of Kinghorne haveing contracted debts far beyond their Common good by upholding their ruinous harbour and building a new one not yet finished which will be of the greatest use and advantage to all paſsengers coming and goeing from this place to the north of Scotland and besyds other great loſses the Inhabitants have sustained in transporting severall of their Majestys forces since the Revolution and furnishing them horſes which have been quyte ruined and for which they never received

any payment They are so much impoverished that the Toun is in hazard of outter Ruin And ſeeing ane Imposition in favours of the said burgh of two pennies upon each pynt of ale and beer brown and vended within the said burgh and priviledges thereof for a competent number of years would be a readie mean for Inableing the said burgh to finish the said harbure and preventing the ruin thereof by the great loſses already ſuſtained Therfor and for the better inableing to perform the duty and service to the publick which upon all occasions they have been readie to doe Her Majestie with advyce and conſent of the Estates of Parliament authorizes and impowers the Magistrats and Toun Councill of Kinghorne and such as they shall appoynt to collect and ingather ane Impositione of two pennies upon the pynt of ale and beer brown and vended within the said burgh and priveledges for the space of tuenty four years from and after the first day of May nixt to come to be applyed for payment of the Debts contracted in advanceing of the said harbure and to be contracted for finishing thereof in the firſt place and in the nixt place for payment of the publick debts of the burgh With full power to the saids Magistrats Toun Councill and such as they shall appoynt to Poynd and Diſtrengie and uſe such order and execution for inbringing thereof as they are in use to doe for their Common good Which Imposition of two pennies upon the pynt of ale and beer dureing the space forsaid is hereby declaired to be over and above and diſtinct from the annexed and additionall Excyſe payable to Her Majesty The saids Magistrats being obleidged to apply annually what ariſes from the said Imposition in order and to the uſes aforsaid at the sight of the Earles of Weems Strathmore Leven and Melvill and their airs or any two of them who are hereby authorized to audite the accounts of the said Imposition and to Discharge the Magistrats upon such Charge and Discharge to be given in by them, as the saids Earles shall see just And its hereby provyded and declaired that the forsaid Imposition shall be burdined with the payment of Six hundred pounds Scotts to William Wilſone one of the under Clerks of Seſsion and that for a year and a halfs sellary due to him as under Clerk of Privie Councill from Whitsunday 1689 to Martinmeſs 1690 and for the extraordinary pains and expences he was put to for the Exigency of the Government dureing that tyme and with the lyke sum of Six hundred pounds Scotts to James Stephan Uſher for his publick service and attendance payable in six years being a hundred pounds to each of them per annum and appoynts the firſt years payment to be at Candlesmeſs I^{m} vij^{c} and eight and so yearly at the said term till the saids respective sums be compleitly paid And ordain the saids Magistrats Toun Councill and Collectors thereof to make payment to them accordingly.

ACT for clearing the Paſsage throw the Mary Wynd in the Burgh of Stirling.

OUR SOVEREIGN LADY Considering that 86
the Easineſs and Patency of high roads to, through and from Royall Burrows concerns the policy of the Kingdom, and that the Common paſsage through the Toun of Stirling (a place of great frequency and where Her Majestie has Her Royall Castle and Pallace) is greatly impeded by severall forestairs or outshots in the Street or Wynd called Mary Wynd ſo as neither Coaches nor loadned carts or wains can conveniently paſs, Therefore Her Majesty with advice and consent of the Estates of Parliament Statutes and Ordains That the Magistrates of Stirling, ſhall, betuixt and the first day of May next, take doun the said forestairs or outshots and build stairs to the said houſes ſo that the street may not be incommoded and that at the sight and with the approbation of the Earle of Mar Lieu^{t} Collonell John Erſkine Commiſsioner for the said Burgh and Sir John Areskine of Alva or any two of them.

ACT in favours of James Earle of Linlithgow and Callander for a toll on the bridge of Larbor for 22 years.

OUR SOVERAIGN LADY the Queens Ma- 87
jesty and the Estates of Parliament Considering that the bridge of Larbor upon the water of Carron was built by the Earle of Linlithgow his predeceſsors upon their oun Charges, And being upon the high way and publict road, from the weſt to Edinburgh and from the north to the south parts of the Kingdome, the said bridge and the ways and caſsayes leading to and from the same, and the cauſsay of the Toun of Falkirk belonging also to the said Earle are much damnified and impaired by the continuall paſsing of Carts and loaded horſe and requires a considerable expence to uphold and preserve the ſame for the common benefite and advantage of the leidges Therefore Her Majesty with conſent of the Estates of Parliament appoints and allows four pennies Scots for each cart tuo pennies for each loaded horſe and tuelve pennies Scots for each ſcore of all droves of Cows that shall paſs along the said bridge of Larbor or toun of Falkirk to be exacted and uplifted by the said Earle of Linlithgow or thoſe Commiſsioned be him To be imployed for preſerving repairing and upholding of the said bridge, ways, and caſsays of Falkirk And that for the space of tuenty one years after the date hereof.

ACT in favours of the Lady Littlegill and William Baillie her son for an Imposition at the bridges of Ramwell Craig and Dunneden.

88 OUR SOVEREIGN LADY and Estates of Parliament Considering that by ane Act of Parliament dated the fourteenth day of August I^m vj^c and sixtie three years the Estates of Parliament understanding the neceſsity to have ane stone bridge built over the river of Clyd at Rammwell Craige and ane other bridge over the water of Dunnidden, there being common paſsadges and mercat wayes there and in which diverse persons have at severall tymes perished Did authorize the deceast William Baillie of Litlegill to build the saids two bridges and for his encouradgement in the building and keeping up of the samen did appoynt that for the space of Twenty seven years after the date of the said Act the said William Baillie and his airs should have the collecting ingathering and uplifting of the Customs following viz. Twelve pennies Scots of every horse and load Eight pennies Scots of every Cow and Horse Two pennies Scots of every Sheep that shall paſs alongst those two bridges or either of them or who shall paſs that way through the said William Baillie his Lands whither they take the bridges or not and Six pennies Scotts for each single horseman and Two pennies for each footman that shall paſs alongst the saids two bridges or either of them and that the saids two bridges were accordingly builded and the Customs in use to be uplifted by the said deceast William Baillie of Litlegill and since his decease by Cicilia Wedderburn his relict by vertue of ane Aſsignation therto from her husband in implement of her Contract of Marriadge And that the upholding and repairing of the saids bridges doe requyre that the saids Customs be yet continued Her Majestie with advyce and consent of the Estates of Parliament Grants order and warrand to the said Cicilia Wedderburn and to William Baillie her eldest son and his airs in cace of her decease for their encouradgement to uphold and repair the saids two bridges and to exact and uplift the forsaids Customs payable at the saids two bridges, excepting the carriadges of the Lead and Lead ore belonging to the Duke of Queensberry and Earle of Hopetoun and victuall and materialls for the use of the workmen and mynes paſsing the saids bridges and foords which with the carriadges carriers and servants cart horses and others imployed in the said carriadges shall have and enjoy free paſsadges without payment of any of the saids duties or any other impediment or mollestation whatsomever and that for the space of Tuenty one years after the expiration of the saids Tuentie seven years They allwayes repairing and upholding the saids two bridges in good condition at the sight of the Duke of Queensberry the Earles of Forfar Hyndfoord Hopeton and the Laird of Lamington or any two of them.

ACT of Naturalization in favours of John Henry Huguetan.

OUR SOVERAIGN LADY Conſidering that 89
John Henry Huguetan a Frenchman and Proteſtant being obliged to retire out of France upon the account of the perſecution, and he being well known in trade, and being deſirous to settle in this Kingdom and to bring all his effects here in order to carry on trade, And for that effect to be Naturalized; Therefore her Majestie with advyce and consent of the Estates of Parliament Statutes Enacts and Declares That the said John Henry Huguetan and the Children of his Body, and all persons lineally deſcending from him, born or hereafter to be born, be and shall be to all intents and purposes whatſomever holden and repute, taken and esteemed naturall born Subjects of this Kingdome, as if the said John Henry Huguetan and the Children of his body And all Persons lineally Descending from him, born or hereafter to be born had been born within this Nation, and shall Injoy all benefite and priviledges of naturall born Subjects of this Kingdome.

ACT for Naturalization of several Foreigners.

OUR SOVEREIGN LADY The Queens Ma- 90
jestie with advice and conſent of the Estates of Parliament Considering that Collonell Scipio Hill Lieutenant Collonell Henry Verriere of Her Majesties Regiment of Foot guards Lieutenant Collonell John Cadour Captain in Major Generall Maitlands Regiment Captain Theodore Dury Her Majeſties Chief Engeneir Captain Daniell Charlot Briggadeer in Her Majeſties Troop of guards Captain John Burjaud in Collonell Grants Regiment Captain James Cavaleer Lieutenant in Her Majeſties Troop of Horſe Grenadeers Enſign Peter Charanton in my Lord Strathnavers Regiment Peter Cregut formerly Lieutenant in Sir Wm Dowglaſs Regiment Jeremiah Boſsugne Adjutant to Major Generall Maitlands Regiment Major Belthazer Guydett Captain of Dragouns in my Lord Marqueis of Lothians Regiment Mr James Le Blanc and Daniell Laſagette merchants in Edinburgh Joſhua Legoux Servitor to the Earle of Roxburgh Francis Gobron late Servitor to the Earle of Crawfurd Peter Biſhop alias Lamarr Servitor to the Earle of Strathmore Mr John Godfrey preacher of the Gospell Francis Loumeau Du Pont miniſter Andrew Ferré Confectioner & James Kremberg Page to my Lord Commiſsioner Henry Hue

Gilder Lieutenant Lawrence in Major Generall Maitlands Regiment David and Matthew Lawrences his ſones Lieutenant James Bruce in the ſaid Regiment & Peter & Frederick Bruces his ſones Serjant David Pirie Robert Keith ſon to Collonell Keith & William Garſhore ſon to Lieutenant William Gartſhore all in the ſaid Regiment James Binet native in Poitow in France Paul Rowmieu Watchmaker in Edinburgh Peter Petite Salemaker in Leith Æneas Leblanc native in Rotchell George Keith ſon to Lieutenant Gideon Keith of the Royall Regiment of Dragoons John Medina & Kenneth Smith Limners Henry Crambden Muſician Captain James Moxgam in Collonell Hepburns Regiment Faſher Captain Lieutenant in the ſaid Regiment John Medina younger Limner Francis Borie one of the Gentlemen of Her Majeſties Lifeguards Anthony Robyne Servitor to the Laird of Grant younger & John Hamilton ſon to Alex[r] Hamilton Merchant in London have reſided ſeverall years within Her Majeſties antient Kingdome of Scotland and ſome of them have and doe enjoy offices in Her Majesties Army and have behaved themſelves in their respective offices as becomes the ſubjection and obedience they owe to Her Majeſtie and Her Government As alſo that all of them are of the Proteſtant Reformed Religion profeſt within this Kingdome As alſo Considering that the rights and priviledges of Naturalization to Strangers of the Proteſtant Religion having their effects and reſiding within this realm has alwayes been thought beneficiall thereto Therfore Our Sovereign Lady with advice and conſent foreſaid not only Ratifies Approves and Confirms all and whatſomever Acts of Naturalization heretofore made in favours of Strangers which may any wayes be applyed to or concern the ſaid perſons above mentioned But alſo out of Her Royall Bounty and Inclination to favour the perſons before named with advice and conſent foreſaid Statuts Enacts and Declares That the ſaid Collonell Scipio Hill Henry Verriere John Cadour Theodore Dury Daniell Charlote John Burjaud James Cavalier Peter Charanton Peter Cregut Jeremiah Boſugne Balthazer Guydette Mr James Le Blanc Daniell Laſagette Joſhua Legoux Francis Gobron Peter Biſhop alias La-Marr Mr John Godfrey Francis Loumeau Du Pont Andrew Ferré James Kremberg Henry Hue Lawrence and Mathew & David Lawrences Lieutenant James Peter & Frederick Bruces David Pirie Robert Keith William Garſhore James Binet Paull Roumieu Peter Petite Æneas Leblanc George Keith John Medina Kenneth Smith Henry Crambden James Moxgin Faſhier John Medina Francis Borie Anthonie Robyne and John Hamilton ſhall be and are hereby Naturalized as native born ſubjects of the Kingdome of Scotland and are to enjoy Her Majeſties Royall Protection the Benefite of the Law and all other priviledges which a Native doeth enjoy alſe freely in all reſpects as if they themſelves had been born within the ſame and all enjoy all the rights freedomes and priviledges that are the native conſequences of Naturalization alſe fully as they were herein particularly enumerat And Further Her Majeſtie with conſent foreſaid Statutes Enacts and Declares That this priviledge of Naturalization ſhall have full force and effect to the foreſaid haill perſones above mentioned and every one of them respective for the communication to them of all the rights and priviledges of the native born ſubjects of Scotland in the caſe of an Union betuixt the Realms of Scotland and England as if they had been native born Scots That is they ſhall be deemed and reputed as the Natives of Scotland to enjoy all rights and priviledges in ane united ſtate with England (in caſe the ſame ſhall happen) as any Native Scotsman in ſuch a caſe might or ſhall enjoy Declareing alwayes That it ſhall be leiſum for each of the ſaid perſons to extract particles of this Act for their oun behove, And that the perſons above named ſhall take the oath of alledgiance and ſign the aſsureance in the ordinar form before the Lord Clerk Regiſter and that before the ſaid perſons ſhall have any benefite of this Act And the Lord Clerk Regiſter is lykewayes hereby Impowered to cauſe any of them Subſcribe the Formula contained in an Act made in the Parliament I[mo] vije[e] and one years Intituled Act for preventing the growth of Popery as he ſees cauſe.

ACT for preserving the Game.

OUR SOVEREIGN LADY with advyce and 91
consent of Parliament does hereby strictly Prohibite and Discharge in all tyme comeing the Killing of Moor-Fowls from the first of March to the tuenty of June and Partridges from the first of March to the tuenty of August inclusive under the penalty of Tuenty pounds Scots toties quoties the half whereof to be given to the Discoverer and the other half to be at the disposall of the Judge before whom the same shall be cognoſced And for the better preventing the killing of theſe fowls dureing the forsaid prohibited seasons Her Majesty with advyce foresaid does strictly Prohibite and Discharge the selling buying or uſeing of theſe fowls dureing the forsaid Seasons within any burgh village or privat houſe within this Kingdome under the penalty forsaid to be applyed as above As also It is hereby Discharged that no common Fowllers shall presume to hunt on any grounds without a subſcribed Warrand from the proprietors of the said grounds under the penalty foresaid Besyds forfaulting their dogs guns and nets to the Apprehenders or Discoverers And its hereby furder Provyded That no Fowller or any other person whatsomever shall come within any Heritors ground without leave ask'd and given by the Heritor with

setting dogs and nets for killing fowls by nets And if any common Fowller shall be found in any place with guns or nets haveing no licence from any Nobleman or Heritor they shall be sent abroad as Recruits As also that no persons whatsomever shall shoot Hares under the forsaid penalty And for the better Executeing of this Law Her Majestie with advyce forsaid Appoynts and Ordains all Shirriffes of Shyres Stewarts of Stuartries Justices of Peace Masters of the Game Baillies of Burghs or Regalities to put the same in due Execution under the penalty of One hundred pounds Scots For which penalty It is herby declaired that the saids judges shall be lyable to the Pursuer or Complainer before the Lords of Sessions upon ane Instrument taken by the said Pursewer or Complainer that the Judge applyed to refuised or delayed to Cognosce the Complaint according to Law and to Decern in the terms of this Act And Lastly Her Majestie with consent forsaid does herby Ratify and Approve all former Acts made anent the Game except in so far as they are hereby innovat and altered by this present Act.

ACT in favours of the Earle of Buchan.

92 OUR SOVERAIGN LADY Considering that upon a petition presented by David Earle of Buchan in the last Session of this current Parliament, Representing that he was hindred from entering heir cum beneficio Inventarii to his predecessors the Earles of Buchan last Infeft, in the terms of the 24th Act of the 5th Session of his late Majestie King William's Parliament, by his absence out of the Kingdom, for near the space of two years after the decease of Wm Earle of Buchan his immediat predecessor, he obtained ane act and delyverance of Parliament, allowing him year and day from the date thereof, to enter heir to his said predecessors, in manner above mentioned, as the said Act and Delyverance of the date the 6th of September 1705 more fully bears, And the said Earle having been accordingly served heir cum beneficio Inventarii thereupon within the said space, Therefor Her Majestie with advice and consent of the Estates of Parliament Ratifies, Approves, and Confirmes the said Act and Delyverance in favours of the said Earle of Buchan and his said service thereupon, And Declares this present Act to be excepted out of all Acts Salvo Jure, to be passed in this or any subsequent Session of Parliament.

ACT of Dissolution of the Mines and Minerals belonging to his Grace James Duke of Queensberry.

93 OUR SOVERAIGN LADY Considering the great pains and expences bestowed by the deceast William Duke of Queensberrie for finding working and winning of his Lead Mine within the Baronys of Drumlangrig and Sanquhar As likewise the great and speciall Services done and performed to her Majestie and the Crown of this Kingdom by James now Duke of Queensberrie and the said deceast William Duke of Queensberrie his Father and their predecessors And that the granting to James now Duke of Queensberrie and his heirs & successors the heritable and full right of all mines of Gold Silver Tinn Lead Copper and of all other Mettalls and Minerals whatsomever of whatever kind nature or quality already found or that may be found hereafter within the bounds of the Dukedome of Queensberrie Lands Lordships Barronies and others pertaining to the said James Duke of Queensberrie; Together with the tenth part therof, And all other Right and Title or Interest that her Majestie may have or acclaim thereto, may contribute much to the farder Search and Discoverie finding working and winning of the saids Mines Mettals and Minerals above mentioned for the general good of the Kingdom Doth therfor with the advice & consent of the Estates of Parliament Dissolve the haill forsaid Mines of Gold Silver Tinn Lead Copper and haill other Mettals and Minerals abovementioned with the tenth part therof And all other Customs and duties payable to her Majestie for the same With all other Right Title & Interest Her Majestie or her successors may have claim or pretend therto from her Majesties Crown and patrimony therof and all annexation therto To the effect her Majestie and her Successors may freely and fully Give Grant and Dispone the same to the said James Duke of Queensberrie and his Heirs and Successors and assigneys in such full and ample form and manner as her Majestie shall think fit To be holden few of her Majestie and her Successors for such a few duty as she and they shall please to lay down and appoint for all other burden exaction and demand in the most free and absolute manner And specially but prejudice of the Generality above written Her Majestie with advice and consent forsaid declares that the saids Mines Metalls and Minerals are and shall be possessed in all time coming by the said James Duke of Queensberrie and his forsaids, With express Freedom and Exemption from all payment of Customs Bullion Shoar dues or any other dues whatsomever payable or that can be exacted from them for any of the saids Metalls and Mineralls either already wrought or that shall happen to be wrought in all time coming With full power to them to export and transport the saids Mettalls and Minerals or any part or portion of the samen into forreign Countries free from the said dues & other customs and dues whatsomever either already layed on or to be layed on Inhibiting & Discharging all having right of gathering up the Shoar dues Anchorages or other Customs and all the Tacksmen Fermers and

Collectors of her Majesties Customs present and to come and the masters of her Majesties Mint their Deputs Servants and Officers from uplifting and collecting any sums of Money Bullion Anchorages Shoar dues or any other dues whatsomever for any of the saids Metalls or Minerals already wrought or that ſhall happen to be wrought in the saids Mines or exported therfrom out of this her Majesties Kingdom either purified or not purified And Moreover Her Majestie with advice and consent forsaid Wills & Grants that the Servants and Hewers and others employed or to be employed by the said James Duke of Queensberrie and his forsaids for the use of the said work may be free from all Stent Taxations Impositions Watch & Ward, And that they shall enjoy all other Benefices Priviledges and Freedoms Made and Granted in favours of the Workmen of Mynes and Minerals or which can any ways be understood or interpret to be in their favours by the Laws & Practique of this her Majesties realm.

ACT for Burying in Woollen.

94 OUR SOVEREIGN LADY for Encouragement of the Manufacture of Wooll within this Kingdom with advice and consent of the Estates of Parliament Reſcinds the Sixteenth Act made in the Parliament held in the year 1686 entituled Act for burieing in Scots Linen; As alſo another Act entituled Act for burieing in Scots Linen made in the Parliament held in the year 1695. And Her Majestie with advice and conſent forsaid Statutes & Ordains That hereafter no Corpſe of any perſone of what condition or quality soever ſhall be buried in Linen of whatever kind, And that where Linen has been made uſe of about dead bodies formerly plain woollen cloath or ſtuff ſhall only be made uſe of in all tyme comeing And that under the ſame penalties & rules as are contained in the forsaid two Acts against the Contraveeners therein mentioned Which Penalties & Rules Her Majeſtie with advice and conſent forſaid hereby transferrs and declares to take effect in all caices of Contravention of this preſent Act.

ACT in favours of the Maiden Hospitall founded by the Company of Merchants of Edinburgh & Mary Erſkine.

95 OUR SOVERAIGN LADY and Eſtates of Parliament conſidering that the Company of Merchants of Edinburgh and Mary Erſkine relict of James Hair drogiſt in Edinburgh with the Aſsiſtance of severall Noble and Generous Benefactors have erected a Hoſpitall for Mantaining and Educating poor young Children of the female Sex and with the money given by the said Mary Erſkine have purchased & acquired the Great Lodgings Houſes and Yairds in Briſto for accommodation of the Children of the said Hoſpitall And alſo conſidering that the managgement of the samyn Hoſpitall is settled in certain Governours, Theſaurer, Clerk & other officers conforme to certain Rules and Conſtitutions agreed upon by the Donators and Benefactors a part whereof are contained in a Contract paſt betuixt the preſent Governours of the said Hoſpitall and the said Mary Erſkine dated the Tuelth and Threttein dayes of March inſtant Therefore Her Majestie and Estates of Parliament hereby Allow & Approve of the Erection of the said Hoſpitall and Ratifie and Confirme the same togither with the Rules & Conſtitutions already made for managgeing thereof particularly theſe contained in the forsaid Contract, with the said Contract it ſelf togither with ſuch Rules and Conſtitutions as ſhall hereafter happen to be made for the better Governing and Regulateing of the ſaid Hoſpitall and whole concerns thereof The ſamyn haill Conſtitutions and Rules being alwayes conſiſtent with the Laws of this Kingdome and with the amended conſtitutions contained in the said Contract and approven of by the Toun Councill of Edinburgh And Furder Her Majestie and Estates of Parliament hereby Authorize the Governours of the said Hoſpitall to receive all Mortifications and Donations that shall be made in favours of the ſamyn Approving hereby of the same and of all Donations & Mortifications already made Declareing the said Hospitall in all tyme coming to be a free Hoſpitall And the forsaid great Lodgings Houſes Yairds and Pertinents in Bristo purchaſed & doted for the uſe of the said Hoſpitall by the said Mary Erſkine to be free of all publick burdeins whatſomever for the pious uſes abovementioned with power to the Governours thereof not only to adminiſtrat the Funds and Rents of the said Hoſpitall with all Donations already made but lykewayes to purchaſe & acquire Lands Tenements and others for the uſe benefit and advantage of the said Hoſpitall And for that end to Make and Grant, Give and Receive all manner of writs deeds & securities neceſsary and to have & uſe a Common Seall with ſuch Inſcriptions as the Governour ſhall judge fit for confirmation of the said deeds and writs; And generally to have uſe and enjoy all ſuch Powers Liberties & Immunities as any Hoſpitall hath or by Law may have within this Kingdome.

ACT concerning the Payment of the Sums out of the Equivalent to the African Company.

OUR SOVEREIGN LADY Considering that 96
by the fifteenth Article of the Treaty of Union of the two Kingdoms of Scotland and England It is agreed That out of the sum of Three hundred and ninety eight thousand and eighty five pounds ten ſhillings Sterling mentioned in the ſaid Article

After what consideration ſhall be found neceſsary to be had for any loſses which private persons may ſuſtain by reducing the coin of Scotland to the ſtandard and value of the coin of England In the next place The Capital ſtock of the African and Indian Company of Scotland advanced together with the Intereſt of the ſaid capital ſtock after the rate of five pound per Cent. per annum from the respective times of the payment thereof ſhall be paid Upon payment of which Capital ſtock and intereſt It is agreed the ſaid Company be diſsolved and ceaſe And alſo that from the time of paſsing the Act of Parliament in England for raising the said sum of three hundred and ninety eight thouſand eighty five pounds ten ſhillings the said Company ſhall neither trade nor grant licence to trade providing that if the ſaid stock and intereſt ſhall not be paid in twelve moneths after the commencement of the Union That then the ſaid Company may from thence foreward trade or give licence to trade untill the ſaid haill capital ſtock and intereſt ſhall be paid And alſo Considering That there may diverſe difficulties arise concerning the stating of the said capital ſtock and the particular shares and titles of the several proprietars and the execution competent for recovering the respective shares and intereſt conform to the article And Her Majesty being moſt deſireous to prevent all miſtakes and abuſes which may hinder the ready and effectual application of the foresaid money conform to the said article and diſsolving the Company in the terms thereof Therefore and to the end that the shares and titles of the several proprietars may be the more distinctly conſtituted and the Commiſsioners for disposing the Equivalent may the more safely make payment Her Majesty with advice and consent of the Estates of Parliament Requires and Ordains the directors and secretaries of the said African and Indian Company to frame a particular account or liſt of the ſtock and intereſt of the ſame from the respective times of the payment Excepting only that ſuch as got allowance for the annualrents of the firſt moitie at paying in of the ſecond moitie ſhall only have right to the intereſt from the firſt of Auguſt I^{m} vj^{c} & ninety eight for the firſt moitie belonging to each proprietar or their aſsigneys where transferrs are marked on the ſaid Companys books As alſo another account of the debts due by the ſaid Company containing the particular Creditors names With intereſt due for such debts as bear intereſt the ſums in both accounts not exceeding the ſum of Two hundred and thirty two thouſand Eight hundred & eighty four pounds five ſhillings and two thirds of a penny Sterling at the firſt day of May next And both the said accounts are to make expreſs mention at every article of the page and book belonging to the Company from whence the said accounts have been taken. Likeas Her Majesty with advice and conſent foresaid Requires and Ordains the preſent Directors at leaſt five of them and their Secretary who now is or whom they are hereby required to name for that effect to draw up and perfect the foresaid two accounts or list in manner above mentioned And that they or five of them and their said secretary shall ſign the said accounts respectively and deliver the same in to the Lord Clerk Register betwixt and the forsaid first day of May next Certifying the ſaid Directors and their Secretary That if they faill in punctuall performance of the premiſses or any part thereof Letters of horning shall be directed againſt them and their said Secretary at the inſtance of the Commiſsioners to be appointed by her Majeſty for the diſpoſing of the Equivalent who are hereby authorized and impowered for that effect And farder That the respective proprietars and others having intereſt and the Creditors of the ſaid Company contained in the foresaid Accounts may be the more readily anſwered and paid Her Majeſty with advice and consent foresaid Statutes and Ordains That a Certificat drawn out of the books of the ſaid Company bearing the names of the respective proprietors and tranſfers which concern any share marked in the books of the said Company or the names of the said Creditors of the Company and the moities advanced by the said proprietors or the sums due by the said Company to their Creditor With the time of advanceing the said moities or contracting the said debts with the said intereſt due on the respective shares and debts at five pound per Cent. untill the said first day of May next and which Certificat shall alſo expreſs the pages and books of the said Company from whence the same are taken And shall be signed by the directors or three of them or an Extract of a particle concerning any particular share or debt under the hand of the Lord Clerk Regiſter or his Deputes furth of the said accounts appointed to be made up and delivered in to him in manner above set down shall be seperately authentick and probative and shall be a ſufficient title to receive the respective shares or debts and intereſt due respectively therefore And the discharges granted by perſons having right to such Certificats or Extracts ſhall be a sufficient exoneration to the Commiſsioners for disposing of the Equivalent Which Certificats and Extracts are hereby ordained to be given furth gratis And further where the shares of the proprietors or debts due to the Creditors of the said Company have been legally affected by diligence the Creditors uſing lawfull diligence shall have sicklike action againſt the Commiſsioners of the Equivalent for recovering the ſums so affected as would have been competent to the parties themselves whose shares or debts they do affect by virtue of this Act if they had inſiſted in their own names. And to the end the Leidges may be Certiorated when and where to receive their money Her Majesty with advice and conſent foresaid Ordains That how soon the foresaid ſum of Three

hundred and ninety eight thouſand eighty five pounds ten ſhillings mentioned in the above Fifteenth Article shall be paid in unto the Commiſsioners to be appointed by her Majeſty for disposing the Equivalent the same shall be notified to the Privy Council of this Kingdom And thereupon a Proclamation ſhall be iſsued out by the Lords of Privy Council intimating the same to the Leidges and requiring the proprietors and others having right to come & receive their ſhares conform to their respective titles at Edinburgh where the said Commiſsioners of the Equivalent or a quorum of them are hereby appointed to reside until the said Capital ſtock and intereſt be paid to the said proprietors and Creditors of the said Company, And Her Majeſty for the ends abovementioned with advice and conſent foresaid Statutes and Ordains That after the said Proclamation, the said Commiſsioners to be appointed for disposing of the Equivalent by acceptance of their truſt and office shall be bound to make payment to the several Proprietors and Creditors contained in the forsaid liſts and producing the foresaid Extracts or these deriving right from them of the full shares and debts with intereſt due respectively thereupon at the said first of May next conform to the accounts appointed to be made and delivered in to the Clerk Register betwixt and the said day in manner aboveexpreſs'd and that without delay loſs or defalcation, Declaring that it ſhall not be lawfull for the said Commiſsioners their Clerks Secretaries or Cashiers by themselves or others directly or indirectly to acquire any shares or debts of the said Company or to obtain any eaſe or gratification for payment to the parties respectively And in caſe of not ready payment in manner foresaid It is hereby Statute and Ordained, That sicklike diligence and Execution shall follow at the instance of the respective Proprietors or Creditors or others deriving right from them for their respective sums principal and intereſt conform to the foresaid accounts againſt the said Commiſsioners of the Equivalent and their Cashiers conjunctly and ſeverally as is competent againſt parties lyable for forreign bills of exchange And that upon production of the Companys bonds to the Creditors or upon production of the Certificats granted by the Directors or three of them in manner above expreſs'd or upon production of a particle extracted furth of the said Accounts concerning the several shares and debts with the title in the person at whoſe inſtance diligence is raised And that no suspension or stop upon such charges shall be granted except upon Consignation And in caſe of Consignation the money consigned shall be reſtored to the party having intereſt without deduction of consignation money And Her Majesty in respect of the foresaid intimation and that the Commiſsioners of the Equivalent do therupon become bound in manner foresaid hereby Statutes Enacts and Declares That upon iſsuing the Proclamation of Council above set down the said African and Indian Company shall ceaſe and be diſsolved And the said Company being thereby diſsolved Her Majeſty with advice and conſent foresaid hereby ſimpliciter Diſcharges the proprietors ſubſcribers of the said books of the Company their heirs and all others whom it may concern of all action inſtance and execution on account of the sums ſubscribed for and not paid in Together with the Contracts bonds or obligations whereby the said ſubscribers were bound to the Company with all Acts of the Directors calling for any moity of the ſubſcription money not paid and all diligence that has followed or may follow thereupon And sicklike Forasmuch as the foresaid capital ſtock and intereſt and debts are appointed to be refounded in full satisfaction of all the Company or any particular proprietor can pretend on account of the foresaid company ſtock management or intereſt thereof Therefore Her Majesty with advice and consent foresaid Statutes and Declares That the dead ſtock haill debts and effects actions and Execution belonging to the said Company in general, or to the proprietors any ways concerning the said Company shall belong to her Majesty and her Royal succeſsors in the same manner as the ſame did belong to the said Company and to the said proprietors and which are appointed to be brought in and made effectual by the said Commiſsioners of the Equivalent and to be applyed to the ſame ends and uſes as the other sums mentioned in the said fifteenth article With the burden nevertheleſs in the first place of three hundred pounds Sterling hereby appointed to be paid out of the price of the houſe and pertinents lying in Edinburgh and other effects belonging to the ſaid Company to the said Directors for their pains and attendance and to inable them to give rewards to servants and beſtow other incident charges in making up and perfecting the said accounts And which sum of three hundred pounds Sterling is to be divided by the said Directors as they shall see juſt And ſicklike with the burden in the next place of such sums as this Parliament has appointed by deliverance or order to be paid out of the haill dead ſtock to Gentlemen officers and others who went to Darien or their friends for their faithfull ſervices And the debts due to James Montgomery William Arbuckles James Watherspoon and William Thomson extending to two hundred and fifty eight pounds four ſhillings eight pennies Sterling And the ſaid Directors or at leaſt three of them are hereby ſtrictly Required to give in full and compleat Inventories of all debts and effects belonging to the Company in general to the said Commiſsioners of the Equivalent at their first meeting With certification, that in caſe of failzie, Letters of horning shall be directed at the inſtance of the said Commiſsioners against the said Direc-

tors for that effect for doing whereof the said Commiſsioners are hereby authorized.

ACT concerning the Publick Debts.

97 OUR SOVEREIGN LADY Considering that by the fifteenth Article of Union the Publick Debts of this Kingdome as ſhall be adjusted by this present Parliament are appoynted to be payed out of the Equivalent of Three hundred and nynetie eight thousand eightie fyve pounds ten ſhillings and out of the Increaſe of the Customs Duties and Excyſe above the present value which aryse in Scotland during the tyme of sevine years Togither with the Equivalent which ſhall become due upon the improvement thereof in Scotland after the ſaid term And alſo out of all other sums which according to the Agreement forsaid may become payable to Scotland by way of Equivalent for what that Kingdom ſhall hereafter become lyable towards payment of the Debts of England Therefore Her Majestie with advice and conſent of the Estates of Parliament Declares Statutes and Ordains That such Debts onlie as are due to the Civil List or Army ſince the tuentie sevinth day of May I^m vj^c^ eightie nyne or ſuch other Debts as ſhall be inſtructed to be Publick Debts in manner aftermentioned since the tyme forsaid ſhall be underſtood Publick Debts of this Kingdome payable out of the funds abovementioned And for the better settling the method and way of paying theſe Publick Debts Her Majestie with advyce and consent forsaid Statutes Ordains and Declares that after allowance of the ſum for Repairing the Loſses which privat perſones ſhall ſuſtain by Reduceing the Coyne of this Kingdome to the ſtandard and value of the Coyne of England and after allowance of the ſum of tuo hundred threttie tuo thouſand eight hundred eightie four pound fyve ſhillings tuo thirds of ane pennie Sterling which is found due for the Capital Stock Intereſt and Debts of the Companie tradeing to Africa and the Indies and after payment of tuo thouſand pounds per Annum for the space of sevine years which by the forſaid fifteenth Article of Union is to be applyed towards Incouradgeing and Promoteing the Manufacture of coarſe Wool within theſe ſhyres which produce the Wool and after the allowance of the ſum of

allowed for the Charge of the Commiſsioners Secretaries and Accountants to the last two Treaties of Union conform to the Votes and Resolves of the Eſtates of Parliament the threttie one day of Jan^ry^ *laſt by paſt* Then the overplus of the ſaid Three hundred nyntie eight thouſand Eightie fyve pound ten ſhillings ſhall be equallie divyded and the one half therof applyed to the payment of the Publick Debts upon the Civill List and the other half ſhall be applyed to payment of the Debts due to the Army And in case the overplus of the ſaid ſum of three hundred nynetie eight thousand Eightie fyve pound ten ſhillings after the Deductions abovewrittin ſhall not be ſufficient to pay the ſaid Publick Debts due upon the Civill List and to the Army Then and in that caſe the Increaſe of the Cuſtoms Duties Excyse and other Funds abovementioned ſhall be equallie divyded and applyed ay and while payment of the ſaid Publick Debts and that in manner followeing viz. that the one half of the ſaid overplus of the ſaid sum of Three hundred nynetie eight thouſand eightie fyve pounds ten ſhillings and Increaſe of Cuſtoms Duties Excyſe and other Sums above-narrated ſhall be applyed for payment of what is due to any who Repreſented her Majestie the late King William and Queen Marie as their Commiſsioner for their Equipage and dayly Allowance And in the nixt place to the payment of the fees sallaries and pensions of all who have served Her Majestie or the late King William and Queen Marie in any civill Poſt Office or Imployment And what is reſting of the money given to the Aſsemblies for defraying the yearlie expenſses of the Church and what is due to her Majesties Chaplains And the reſt of the said one half ſhall be applyed to the payment of all accompts pensions or other Debts due upon the Civil List since the tuentie sevinth day of May I^m vj^c^ eightie nyne Declairing that the first and readieſt of the said remainder is to be applyed for payment of what bygone allowances are due to the late Biſhops or their Repreſentatives and to the Poor on Her Majesties Charitie And the other half of the said overplus and Increaſe of Cuſtoms Duties Excyſe and other Funds abovementioned which is ordained to be applyed for paying of the Debts of the Army ſhall be payed and applyed in manner following First for payment of what sums any officer ſhall inſtruct he hath debursed for Cloathing of his Regiment Troop or Company Nixt for paying to the ſeverall officers in any Regiment Troop or Company that have ſerved ſince the twentie sevinth of May I^m vj^c^ eightie nyne of their respective perſonall pay yet reſting unpayed Nixt for payment of all moneys which any Collonel or Captain of Independent Troops or Companies can Inſtruct he deburſed and laid out for the ſubſiſtance of his Regiment Troop or Company And laſtlie for paying of Cloathing money due to the reſpective Regiments Troops or Companies Provideing allways that Cloathing money ſhall be onlie underſtood due where the ſeverall Collonells & Captains of Independent Troops or Companies did truly furniſh Cloathing conforme to the severall Eſtabliſhments And becauſe there are ſeverall publick debts since May I^m vj^c^ eightie nyne due by the Nation which doe neither fall under the Civil or Military List Therefore her Majestie with advice and conſent forſaid Does hereby Impower and Requyre the Commiſsioners of the Equivalents after

payment of the Debts above preferred to take into their Conſideratione all ſuch Claims and to pay ſuch of them out of the forsaid fonds as ſhall be Inſtructed to be juſt Debts of the Nation And it is hereby Declaired That everie officer his aſsigney or others deryveing right from him ſhall have good title to Claime his oune particular ſhare of the Debt found due to the army And to the effect that all perſones haveing right and title to the Debts due either upon the Civil List or to the army may have readie acceſs to obtain payment of their respective Debts as they are ranked above Her Majeſtie with advice and consent forsaid appoynts the Lords of Her Theſaurie betwixt and the firſt of May nixt to draw up ane accompt of the ſaids Debts ſtanding out due to the Civil List and army to be given in to the Commiſsioners to be appoynted for Diſpoſeing of the Equivalent and to give Certificats ſubſcribed by tuo of their number to each perſon haveing right to any of the said Debts either upon the Civil List or to the army Containing the ſum of the Debt and the books out of which it is Extracted And It is hereby Declaired that Dilligence ſhall be granted upon the said Certificat against the Commiſsioners to be appoynted by Her Majestie for dispoſeing the Equivalent in ſolidum as is allowed by Law upon bills of Exchange Provyding allways the ſaid Commiſsioners for the Equivalent ſhall have ſufficient Caſh in hand for payment of the ſaid Debts for which Dilligence ſhall be done according to the severall Ranks abovementioned And it is hereby Declaired It ſhall not be leisum to the said Commiſsioners to ſuſpend any Charge upon ſuch Certificat upon pretence of their not haveing Caſh in hand to anſwer under the pain of a fifth pairt more of their reſpective ſums Charged for without any modification If at Diſcuſsing the Suſpenſion it ſhall be found they had ſufficient Caſh in hand.

ACT Salvo Jure Cujuslibet read, and it being again read over, it was voted and approven, and touched with the Royal Scepter by her Majesties high Commiſsioner in the usual manner.

ACT Salvo Jure Cujuslibet.

98 OUR SOVEREIGN LADY takeing to Conſideration That there are ſeverall Acts of Ratifications and others paſt and made in this Seſsion of Parliament in favours of particular perſons without calling or hearing of such as may be thereby concerned or prejudged Therefore Her Majeſtie with advice and conſent of the Eſtates of Parliament Statutes and Ordains That all such particular Acts and Acts of Ratification past in manner foresaid ſhall not prejudge any third party of their lawfull rights nor of their actions and defences competent thereupon before the makeing of the ſaid particular Acts and Acts of Ratification And that the Lords of Seſsion and all other Judges of this Kingdome ſhall be oblidged to Judge betuixt parties according to their ſeverall rights ſtanding in their perſons before the makeing of the ſaid Acts All which are hereby expounded and declared to have been made Salvo Jure Cujuslibet Excepting alwayes from this Act Salvo, the Gifts granted to the Burghs of Dundee Aberdeen & other Burghs for the Impoſitions therin mentioned according to the full extent thereof as past in this preſent Seſsion of Parliament.

THEN His Grace Her Majesties high Commiſsioner made the following speech.

My Lords and Gentlemen,

THE Publick Buſineſs of this Seſsion being now over, it is full time to put an end to it. [The Commiſsioners Speech]

I AM perſwaded that we and our Poſterity will reap the benefit of the Union of the two Kingdoms, and I doubt not, that as this Parliament has had the honour to conclude it, you will in your ſeveral Stations recommend to the People of this Nation, a grateful Senſe of Her Majeſties Goodneſs and great Care for the Welfare of Her Subjects, in bringing this important Affair to Perfection, and that you will promote an univerſal deſire in this Kingdom to become one in Hearts and Affections, as we are inſeparably joyn'd in Intereſt with our Neighbour Nation.

My Lords and Gentlemen,

I HAVE a very deep Senſe of the Aſsiſtance and Reſpect I have met with from you in this Seſsion of Parliament, and I ſhall omit no occaſion of ſhewing, to the outmoſt of my Power, the grateful Remembrance I have of it.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament to meet at Edinburgh the twenty second day of April next and Declared the same to be Adjourned.

THE Queens Majesty Declares this Parliament current, and Adjourns the same to the Twenty Second Day of April next to come, Ordaining all Members of Parliament, Noblemen, Commiſsioners from Shires and Burghs, and all others having Interest to attend at Edinburgh that day at Ten a Clock, And that there be no new Elections in Shires or Burghs except upon the Death of any of the present Commiſsioners. Act of Adjournment

APPENDIX.

MINUTES OF PROCEEDINGS IN PARLIAMENT;

WITH SOME OTHER PAPERS.

MDCCII—MDCCVII.

GENERAL TABLE

OF

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APPENDIX.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN AT EDINBURGH JUNE IX, M.DCC.II.

Tuesday June 9, 1702.

PRAYERS said.

THE Duke of Hamilton immediatlie thereafter craved to be heard & tho deſired by the Lord Chancellor to ſit till Her Majeſties Commiſſion was read & the houſe conſtitute yet perſiſted & ſaid that for eviting of conteſts he had a paper to read which paper he read as containing the reaſons of his withdrawing & thereupon & upon his withdrawing took inſtruments but without giving in his paper.

THEREAFTER the Clerk Regiſter & ſeverall of the members declared that they adhered to the Duke of Hamiltons paper & alſo took inſtruments & withdrew.

THE Queens Commiſsion to James Duke of Queensberrie to be her Majesties High Commiſſioner to this Seſsion of Parliament read.

ROLLS called.

THE Earl of Mar proteſted for the precedencie of all the Earles ranked before him in the Rolls of Parliament.

THE Earl of Morton proteſted for the precedencie of all the Earls ranked before him in the Rolls of Parliament.

THE Earl of Finlater proteſted againſt the calling of the Earl of Airlie before him in the Rolls of Parliament.

THE Earl of Leven proteſted againſt the calling of the Earl of Callander before him in the Rolls of Parliament.

BY order of the Lord High Commiſsioner one of the Clerks of Parliament & Seſsion & Clerk to her Majesties proceſses in reſpect of the Clerk Regiſters withdrawing tendered the oath of alledgeance to the Lord Chancellor who did ſwear & ſign the ſame with the aſsurance & took the oath of Parliament And then all the Clerks of Parliament & Seſsion did ſwear the oath of alledgeance & ſigned the ſame with the aſsurance & gave their oaths de fideli adminiſtratione.

THE Earl of Melvill Lord Preſident of the Privie Council & the Earl of Crafurd & the other Nobility called up by order of the roll at different tymes took the oath of alledgeance and ſigned the ſame with the aſsurance & took the oath of Parliament And in the ſame manner the Barons & Commiſsioners for Burghs.

A LETTER from her Majestie to my Lord Commiſsioner appointing My Lord Montgomery to ſit & vote in this preſent Seſſion of Parliament as Lord High Thesaurer read And the Lord Montgomery took the oath of alledgeance & ſigned the ſame with the aſsurance & took the oath of Parliament.

A COMMISSION to William Marques of Annandale under the great Seal to be Lord Privy Seal read & ordered to be recorded who took the oath of alledgeance & ſigned the ſame with the aſsurance & took the oath of Parliament.

A COMMISSION to James Earl of Seafeild under the great Seal to be one of the principall Secretaries of State & a Letter from Her Majestie to My Lord Commiſsioner appointing the ſaid Earl to ſit & vote in this Seſsion of Parliament as Lord Secretary read & the Commiſsion ordered to be recorded.

THE Patents under the great Seal Creating Archibald Earl of Argyle Duke of Argyle, & Robert Earl of Lothian Marques of Lothian & William Earl of Annandale Marques of Annandale & James Viſcount of Seafeild Earl of Seafeild & John Lord Carmichell Earl of Hyndfoord were read & ordered to be recorded.

THE Duke of Argyle the Marques of Lothian & the Earles of Seafeild & Hyndfoord took the oath of alledgeance & ſigned the ſame with the aſsurance & took the oath of Parliament.

John Sharp of Hoddam Commiſsioner for the ſhire of Dumfreis & Mr John Stewart of Sorbie for the ſhyre of Wigtoun & now elected in place of the tuo former members deceaſed took the oath of alledgeance and ſigned the ſame with the aſsurance & took the oath of Parliament.

John Scrymſeour Commiſsioner for the brugh of Dundee & Sr Alexr Ogilvie for the brugh of Bamff in place of the tuo former members deceaſed took the oath of alledgeance & ſigned the ſame with the aſsurance and took the oath of Parliament.

TUO Commiſsions the one to George Monro of Culrain & the other to David Sutherland of Kinnald being preſenſed from the ſhyre of Sutherland the ſame were remitted to the Committie to be appointed for Contraverted elections.

THE Queens moſt gracious Letter to the Parliament preſented by Her Majesties High Commiſsioner read.

THEN Her Majeſties High Commiſsioner made a Speech to the Parliament.

THEREAFTER the Lord Chancellor made his Speech to the Parliament.

A MOTION being made for printing Her Majeſties Letter, His Grace the Commiſsioners Speech & the Lord Chancellors Speech the ſame was ordered accordingly.

. . . . . .

[THE Speech of his Grace James Duke of Queenſberry, &c. Her Majeſties High Commiſsioner, to the Parliament of Scotland, on Tueſday the Ninth Day of June 1702.

My Lords and Gentlemen,

THIS being our firſt Meeting in Parliament, after the loſs of our late glorious Soveraign, we cannot forbear to condole his Death, with the moſt tender and ſincere Expreſſions of Gratitude and Eſteem: He was the great Deliverer of theſe Nations, the Defender of the Proteſtant Intereſt, and the Support of the general Liberty of Europe; you have ſo often teſtified your Senſe of his great Actions, by your dutiful Acknowledgements, that I need not inſiſt, for while Religion and Liberty are in any value, King Williams Memory muſt be in perpetual Honour.

Nothing could repair this Loſs, and compoſe our Minds, but her Majeſties happy acceſſion to the Crown, who from her Infancy has given the moſt undenyable Proofs of her Affection to the Proteſtant Religion, againſt the ſtrongeſt and moſt inſinuating Temptations: And it is a great Bleſſing that we have a Queen with ſuch Principles of the Royal Blood and Line of Scotland, and eſpecially a Princeſs who has been amongſt us, and has a particular regard for us.

The firſt Acts of Her Majeſties Government were ready and ſeaſonable Encouragements and Aſſiſtance to Her Allies, in proſecution of the Treaties made by the late King, to unite & animat Europe againſt the exorbitant and incroaching Power of France, ſo that Her Majeſties zeal for the true Religion, Her steady & evident Purpoſe to proſecute all Meaſures for advancing the Glory and Intereſt of Her Kingdoms, and for the Defence and Security of Her Allies, with that unparalelled Goodneſs, that appears in all Her Reſolutions and Actions, do promiſe us all Happineſs under Her moſt auſpicious Reign.

Her Majeſties Letter to the Parliament, gives all Her Subjects of this Kingdom, the moſt deſireable Aſſurances of Her firm Reſolution to protect our Religion, Liberties and Laws, and particularly the Presbiterian Government as now eſtabliſhed, and this Her good Mind, Her Majeſty thought fit to ſignifie by you to Her People, knowing that this loyal Parliament did eſtabliſh our preſent happy Settlement, and hath ever ſhewed a firm zeal to maintain the ſame, and by calling you together, Her Majeſty hath afforded you this early Opportunity to congratulat Her Acceſsion and Entry to the Royal Government, and to make Her ſuch Offers of Duty as are neceſſary for the ſupport of Her Authority and your own Preſervation.

The preſent juſt and neceſſary War which Her Majeſty was obliged to declare in all Her Dominions in purſuance of the Treaties made by the late King, does require ſufficient Supplies for the Maintenance of ſuch Forces, as are needful for the Security of the Government and the publick Safety of the Nation.

There is nothing can contribute more to the intereſt of the Proteſtant Religion, and the security of the preſent Conſtitution of the Government, than an Union betwixt the two Kingdoms of Scotland and England: It was amongſt the laſt things recommended by the late King, and the firſt propoſed by Her Majeſty to the Parliament of England: You ſee how concernedly Her Majeſty recommends it to you, and you all know how far the Parliament of England hath advanced in this matter, by impowering Her Majeſty to name Commiſſioners to treat with ſuch as ſhall be impowered from this or any ſubſequent Parliament of this Kingdom.

I can aſſure you from my proper Knowledge, that there appears at this time a greater Diſpoſition in the Engliſh Nation towards an Union, than could ever be diſcovered formerly, which is a very great Encouragement; And I hope you will give them ſuteable Returns.

My Lords and Gentlemen,

It has pleaſed Her Majeſty to honour me with this high Truſt to repreſent Her Royal Perſon, as her Commiſſioner. If Her Commands had left place for my Excuſes, I had reaſon enough to decline ſo weighty an imployment; But the experience I have had of your kindneſs and regard for me, while I was formerly imployed in this Truſt, and my own ſincere intentions to ſerve Her Majeſty, and my Countrey, to the outmoſt of my power, are the principal encouragements I have in this undertaking; Therefore I reſolve to maintain Her Majeſties Authority, and anſwer that confidence, she has been pleaſed to repoſe in me, with all loyalty and firmneſs. And I hope from your prudence and zeal for the Government, that Her Majeſty ſhall receive ſatisfaction, and the Nation advantage.]

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[THE Speech of Patrick Earl of Marchmont, &c. Lord High Chancellor to the Parliament of Scotland, on Tueſday the Ninth day of June 1702.

My Lords and Gentlemen,

I HAD but too confidently hoped that I ſhould never have occaſion to ſpeak from this place to you under ſuch circumſtances.

This Kingdom has lately got ſo ſore a wound in the Head, that it is impoſſible but the whole Body, and every Member of it, muſt have a deep senſe and be feelingly affected with it.

God has called from us our great Deliverer, a good, a wiſe, a juſt and an heroick King, to the glory for which he was fitted; He went to fulneſs of joy, and left us in a full meaſure of grief.

Never did People ſtand in greater need than we of a powerful and cordial conſolation, and the merciful God has been pleaſed ſeaſonably to give us the moſt ſuteable one that our hearts could imagine or wiſh for, by ſetting our Soveraign Queen Anne, whoſe right it is upon the Throne, who has given ſo full proof in the whole courſe of her life, of her ſtableneſs in and fidelity to the Proteſtant Religion, as may convince us that there is a bleſsing from on high about her.

Her Majeſties moſt gracious Letter, and his Grace my Lord Commiſſioner his diſcourſe upon it, are ſo full and plain, that they need no commentary or illuſtration; So that there is little left for me to ſay.

Only I would entreat you to call to remembrance the great Dangers this Nation was in fourteen years ago, the great Deliverance it met with by the hand of our late King of ever glorious memory; the great benefits and advantages which it has enjoyed in the thirteen years of his auſpicious Reign by the excellent Eſtabliſhment of our Religion, Laws and Liberties upon the ſure and ſolid foundation.

I entreat you likewiſe to conſider, that Her sacred Majeſty now our Soveraign gives us ſo expreſs aſſurance of Her firm reſolution to maintain and protect us in the full poſſeſſion of our Religion, Laws and Liberties, and of the Presbyterian Government of the Church, as at preſent eſtabliſhed; and that Her Majeſty will aim at nothing more than the preſerving and ſecuring to us the enjoyment of the advantages we got by our deliverance from Popery and arbitrary Power, and having our ancient Rights and Priviledges reſtored to us, that every one will rely upon it, and reſt aſſured who is a ſincere Proteſtant and duely affected with the goodneſs and favour of God in ordering and accompliſhing the happy Revolution.

After the royal word given of a perſon of ſo known probity as Her Majeſty is, it may be thought unneceſſary to add any thing; Yet I muſt ſay it cannot be but a great ſatisfaction to us to ſee that the intereſt of Her Majeſty and Her People are united to confirm Her Majeſty in her wiſe and gracious reſolution; And that Her Majeſty adheres to the Alliances made by, and follows the methods wherein Her Majeſties glorious Predeceſſor was neceſſarly engaged for preſerving the Liberties of Europe, for ſupporting the Proteſtant Religion, for maintaining the intereſt of Her own Kingdoms, and for reſenting the Indignity offered againſt Her Majeſty & them by the French King, in his owning the pretended Prince of Wales as King of Her Majeſties Dominions.

An other clear evidence of Her Majeſties gracious intentions towards us, is, That ſhe is ſo diſpoſed to contribut Her utmoſt endeavours for accompliſhing an Union of Her two Kingdoms in this Iſland, and conſiders it as a thing neceſſary for the security and happineſs of them both.

My Lords and Gentlemen,

I am confident when you have duly pondered Her Majeſties Letter, and his Grace my Lord Commiſſioners diſcourſe, That all doubtings, jealouſies and animoſities will fly away, and you will be diſpoſed to receive your Soveraigns Meſſage with loving hearts, and reſolve to act and give a kind dutiful and ſuteable return by complying to all what Her Majeſty has propoſed in all the parts of it, nothing being required by Her Majeſty of us, but what is evidently neceſſar for our own security and happineſs.

Her Majeſty having ſo earneſtly recommended to you the providing competent Supplies for maintaining ſuch a number of Forces as may be neceſſary againſt the deſign of Her and our Enemies, It is certainly requiſite that we effectually do it ſo, as her Majeſty may be ſupported to the utmoſt of the Nations power in proſecuting the War in which her Majeſty, her Kingdoms and her Allies are engaged.

If our actings in this juncture ſhall be ſuch as her Majeſty doth hope and expect, it will tend to our everlaſting reputation, a foundation will be laid of that firm union and true underſtanding between her Majeſty and her People as will advance the happineſs of both, and be of vaſt advantage both to our honour and to our intereſt, by engaging to us the hearts and good will of our Soveraign and of our Neighbours in her Dominions.]

.....

MOVED that ane Act be brought in next Sederunt of Parliament for Recogniſeing Her Majesties Royall authoritie & Her Majesties Coronation oath with the atteſtation by severall of the Privie Councill of her takeing the ſame were read.

ORDERED that the Draught of ane Act be brought in nixt Sederunt of Parliament for Recogniſeing Her Majesties Royall authority.

MOVED that ane Act be brought in nixt Sederunt of Parliament for Secureing the Proteſtant Religion & Preſbyterian Church Government as now eſtabliſhed which was ordered accordinglie.

MOVED that ane Act be brought in authoriſeing the appointment of a Faſt conform to the deſire of the Commiſsion of the Generall Aſsembly which was ordered accordingly.

MOVED that the Committies be appointed And agreed that there be four Committies, ane for the Security of the Kingdome conſiſting of nyne of each ſtate, a second for Contraverted elections conſiſting of fyve of each ſtate, a thrid for drawing ane anſwer to Her Majeſties Letter conſiſting of one of each ſtate, and a fourth of the lyke number for reviſeing the Minuts.

ORDERED that the members prepare their liſts for the severall Committies to be elected nixt Sederunt of Parliament.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

Thurſday June 11, 1702.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

DRAUGHTS of the following Acts viz. Act Recognizeing her Majesties Royall authority, Act for Adjourning the Seſsion, Act Declareing the present meeting of Parliament to be a lawful meeting of Parliament, Act for secureing the true Proteſtant Religion & Preſbyterian Government, and Act for a Nationall Faſt all read for the firſt tyme.

HER Majesties moſt gracious Letter to the Parliament preſented by Her Majesties High Commiſsioner in anſuer to the Addreſs from the Parliament in relation to the Company tradeing to Africa & the Indies & concerning the Union with the Kingdome of England read and ordered to be printed & recorded And the drawing of ane anſuer thereto remitted to the Committie to be named for drawing ane anſuer to her Majesties Letter read the former Sederunt.

ORDERED that the ſeverall States of Parliament separat & make electione of the Committies appointed by the laſt Sederunt whereupon the ſtates having separated returned & reported their severall electiones as follows viz.

FOR the Security of the Kingdome Of the ſtate of the Nobility The Earl of Melvill Lord Preſident of the Privy Councill the Duke of Argyle the Marques of Lothian the Earles of Marr Lauderdale Loudoun Leven & Hyndfoord and Viſcount of Stair Of the ſtate of Barrons Sr Robert Sinclair of Stevenſone Sr John Swintoun of that Ilk Mr Francis Montgomery of Giffan John Crafurd of Kilbirny Sir Colin Campbell of Aberuchill Adam Drummond of Megginſh Sir James Elphinſtoun of Logie Duncan Forbes of Culloden & Mr James Melvill of Halhill And of the Commiſsioners for Brughs John Anderſon for Glaſgow Sr

Archibald Mure Sir James Smollet Sr David Dalrymple Sr Alexr Ogilvie Sr John Hamilton Sr Hew Dalrymple Mr Robert Stewart & Sr Alexr Home.

FOR contraverted electiones Of the ſtate of the Nobility The Earles of Buchan Glencairn & Kintore the Viſcount of Tarbat & Lord Forbes Of the ſtate of Barons William Moriſon of Preſtongrange Robert Pollock of that Ilk Sir Colin Campbell of Arkinglaſs Sr John Dempſter of Pitliver & Robert Reid of Baldovie And of the Commiſsioners for Brughs John Muir for Aire Sir Andrew Home Mr John Murray Mr William Johnſton & Mr Robert Forbes.

FOR Drawing ane anſuer to Her Majesties Letter The Duke of Argyle Mr Francis Montgomery of Giffan & Sir Hew Dalrymple.

AND for reviſeing of the Minuts The Viſcount of Tarbat Sir Coline Campbell of Aberuchill & Sir David Dalrymple.

A MOTION being made that a ſupplie be granted to Her Majestie for maintaining of the forces for ſecurity of the peace of the Kingdome And it being alſo moved that effectuall courſes be taken for ſecureing the coaſts & trade of the Kingdome & lykwayes for secureing the peace of the Highlands And sicklyke it being moved that that part of her Majesties Letter concerning the Union with England be taken into conſideration

THE ſaid motions were all remitted to the Committee for Security of the Kingdome.

ORDERED that the Committies do meet in the uſuall places to morrow at Nyne a clock.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 12, 1702.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

ACT Recognizeing Her Majesties Royall authoritie read the second tyme & voted & approven nemine contradicente.

ACT Adjourning the Seſsion till the firſt of July nixt read the second tyme & voted & approven.

ACT for ſecureing the true Proteſtant Religion and Preſbyterian Government read the second tyme.

Sir Alexander Bruce Commiſsioner for the Brugh of Sanquhar having ſaid upon the reading this Act that the Act of Parliament eſtabliſhing Preſbyterian Government did contain things inconſiſtent with the eſsence of the Monarchie he was thereupon called to the Bar & not giving ſatiſfaction he was ordered to withdraw And the queſtion being put Expell him out of the Parliament or Not it Carried in the affirmative nemine contradicente And a warrand was ordered to the Brugh of Sanquhar to elect a new Commiſsioner in his place.

THEREAFTER the Act being again read was voted & approven nemine contradicente.

ACT declareing the preſent meeting of Parliament to be a lawfull & free Meeting of Parliament was read the second tyme & voted & approven nemine contradicente.

UPON information that ſome Advocats had met to draw & ſign ane Addreſs concerning the meeting of Parliament or other publick matters warrand was granted to Macers to cite the Dean of Facultie & Advocats to appear before the Committie for Securitie of the Kingdome the morrow at ten a clock in the forenoon & to bring with them the ſaid paper each of them who hath, or had, or fraudfully have put away the ſame as they will be anſuerable at their higheſt perill.

THE Act for a Nationall Faſt the ſecond Thurſday of July nixt read the second time and voted & approven.

THEN the above Acts viz. Act Recogniſeing her Majesties royall authoritie Act Adjourning the Seſsion Act for ſecureing the true Proteſtant Religion and Preſbyterian Government Act declareing the present meeting of Parliament to be a lawfull and free Meeting of Parliament and Act for a Nationall Faſt were all by her Majesties high Commiſsioner touched with the ſcepter in the uſuall manner and ordered to be publiſhed & printed.

THE Committies appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 16, 1702.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE report of the Committie for Security of the kingdome read viz. It is the opinion of the Committie for ſecurity of the kingdome that a reſolve be made in Parliament to grant ſufficient ſupplies to Her Majestie for maintaining forces, repareing forts & gariſons and provyding arms & ammunition & guarding the coaſts & trade, for secureing the peace & quiet of the Highlands & generally for defence & security of the Kingdome.

MOVED that a Committie may be appointed for reviſeing the accounts of the money given & laid on by the former Seſsions of this Parliament.

AGREED that a Committie be appointed for that end & that there be three of each ſtate & that the members bring in their Liſt nixt Sederunt.

THE ſaid report being again read was voted and approven.

REPORT from the Committee of Securitie anent the affair of the Advocats remitted to them that they had called the Dean of Facultie & whole Advocats whereof about ſeventy had declared they gave no warrand to the Dean of Facultie to ſubſcribe the paper called the Addreſs & tuenty of them refuiſed to anſuer the queſtion & that the Committie had cauſed the ſaid refuſers enact themſelves to appear before the Parliament this day and ordered Her Majesties Advocat to prepare and exhibit a charge againſt them.

HER Majesties Advocat exhibited the ſaid charge Which being read the ſaid Advocats that had enacted themſelves were called & the Charge read to them.

THE Dean of Facultie for himſelf & in name of the others called craved a competent tyme to anſuer the lybell it being complex.

HER Majesties Advocat declaired that the defenders ſhould have a copie of the lybell & inſtructions thereof with a liſt of the witneſses & craved that one copie given to the Dean of Facultie ſhould be ſufficient for him & the reſt.

TO which the defenders agreed. But thereafter Her Majesties Advocat declared he would give a copie to each of them but that the documents ſhould be put in the Dean of Faculties hands to ſerve for him & the reſt which was agreed to & ordered to be marked.

ORDERED that the defenders give in their anſuers to the charge on Tueſday nixt with continuatione.

ORDERED that the Committie for drawing the anſuers to Her Majesties Letters doe meet to morrow morning and prepare draughts for the Parliament.

THE other Committies appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 18, 1702.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

WARRAND craved by & granted to Her Majesties Advocat for citeing witneſses in the Charge at his inſtance against the Dean of Facultie & Advocats refuiſeing to anſuer & liſted befor the Parliament.

REPORT from the Committie for Security of the Kingdom viz. It is the unanimous opinion of the ſaid Committie that a ſupplie be granted to Her Majestie for ſeven months Ceſs in one year for mantaining of forces, repareing forts & gariſons, & provydeing armes & ammunition, & mantaining of frigots for guairding the trade & coaſts And lykwayes it is their unanimous opinion that the ſaid Ceſs ſhall be continued to her Majestie for the ends forſaid for ane year & a half making up in all ten months & a half's Ceſs payable in the ſaid year & a half beginning the firſt terms payment at the terme of Candlemas I^m vij^c^ & three years read.

THEREAFTER the draught of ane Act upon the ſame ſubject brought in from the ſaid Committie & read the firſt tyme.

A DRAUGHT of a Letter from the Parliament to Her Majestie brought in from the Committie read & being again read by paragraphs was voted & approven.

ORDERED that the ſeverall Eſtates of Parliament separate & make election of the Committie for reviſeing the accompts of money laid on by the former Seſsions of this Parliament as was appointed by the laſt Sederunt Whereupon the Eſtates having separat themſelves returned & reported their severall elections as follows viz. Of the ſtate of the Nobility The Earles of Galloway Northeſk, & Lord Boyle, Of the ſtate of Barons Sr Robert Sinclair of Stevinſone John Crafurd of Kilbirnie & Duncan Forbes of Culloden And of the Commiſsioners for Brughs Sr James Smollet Sr John Hamilton & Mr William Johnſton.

THE Committies appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at eleven a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 19, 1702.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

ACT anent the Supply read a second tyme & after ſome debate the vote being ſtated Approve the Act as brought in from the Committie or Not and Carried in the affirmative.

ORDERED that at the nixt Sederunt of Parliament the members concerned bring in liſts of ſuch Commiſsioners of Supply as they deſire to be added to the number.

DRAUGHT of ane Act for an Union betuixt the Kingdoms of Scotland & England brought in from the Committie for Security read a firſt tyme & ordered to ly on the table.

RECOMMENDED to Her Majesties high Commiſsioner the tranſmitting of the Parliaments Anſwer to Her Majeſtie.

PETITION by James Earl of Mortoun anent his right to the Isles of Orknay & Schetland read and a draught of a deliverance recommending the Earles caſe to her Majestie read voted and approven.

ORDERED that the recommendation now made with the recommendation from the Parliament 1693 be preſented to Her Majestie by the Secretaries of State.

ACT anent the Supply of ten months and a halfs ceſs upon the land rent touched by Her Majesties High Commiſsioner with the ſcepter in the uſuall manner.

THE Committies appointed to meet on Munday at ten a clock.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjurned the Parliament till Tueſday next at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 23, 1702

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

William Alves Commiſsioner for the burgh of Sanquhar elected by warrand of Parliament in place of Sir Alexander Bruce took the oath of alledgeance & signed the same with the aſsurance & took the oath of Parliament.

A LETTER from her Majestie to the Parliament read & ordered to be printed.

A REPRESENTATION of the heretors & others upon the coaſt of Lochryan for ſecureing the said coaſt againſt privatiers read & Remitted to the Privie Councill to do in the matter repreſented what they ſhall judge neceſsary for the end forſaid.

ACCORDING to the order of the former Sederunt of Parliament liſts were brought in of ſuch Commiſsioners of Supplie as were deſired to be added to the number & being read in Parliament were approven & leave given to bring in more liſts nixt Sederunt of Parliament.

DRAUGHT of an Act anent the Highland Juſticiary brought in from the Committie of Securitie read a firſt tyme.

DRAUGHT of an Act concerning the Union betuixt the Kingdomes of Scotland & England read a second tyme & ordered to ly on the table till the next Sederunt of Parliament.

THE Dean of Facultie & Advocats appointed to appear & anſuer this day were called, & they appearing and Her Majesties Advocats charge againſt them read they moved they might have Advocats to aſsiſt whereupon they were allowed ſeven to aſsiſt them in their defence and in their defence having proponed peremptor defences & then recurring to dilators and a debate ariſing if this ſhould be allowed It was agreed that the defenders be heard both upon their dilator & peremptor defences & that the Advocat make anſuer to both befor the Parliament give their judgement in the caſe Then both dilator & peremptor defences were read & after a long hearing on both ſydes the defenders removed And the Queſtion was put Suſtain the dilators or Repell them and carried Repell.

THEREAFTER the Queſtion was put If the voting that the Dean of Facultie ſhould ſigne in name of the Facultie in a matter extrinſick to their ordinare Adminiſtratione and his ſigning accordinglie be relevant to Inferr ane arbitrary puniſhment or Not and Carried in the affirmative.

THE further inſiſting in the Charge continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 25, 1702.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

Archibald Douglas of Cavers one of the Commiſsioners for the shyre of Roxburgh being abſent the former Sederunts of Parliament Took the oath of allegiance and signed the same with the aſsurance and took the oath of Parliament.

MORE Liſts of Commiſsioners for Supply read in Parliament & approven.

ORDERED that in printing of the Act for the Supply the quotas of Invernes and Nairne be rectified conform to the tenor of ane Act of Parliament 1690 now produced which is the rule of their payment and whereby it is appointed that tuenty six punds Scots be deduced from the Quota of ceſs payed monthly by the ſhyre of Nairne and be added to the Quota of ceſs payed monthly by the ſhyre of Invernes.

DRAUGHT of the Act concerning the Union betwixt the two Kingdoms of Scotland and England As also the Draught of a Letter from the Parliament to her Majestie expreſsing their confidence that in the Treatie of the said Union her Majestie will have a graciouſe regaird to the mantaining of the Preſbyterian Government in this Church were both read And the queſtion being put Approve the Act and Letter forſaid or Not Carried in the affirmative.

BEFORE calling of the rolls upon the said vote Walter Stuart Commiſsioner for the Burgh of Linlithgow Declaired that he did diſsent from the said vote in respect that by no clauſe in the Draught of this Act the Commiſsioners to be named were limited or hindered from treating about the reintroduction of Prelacy albeit the same be aboliſhed by the Claime of Right and craved the same might be recorded and therupon took inſtruments & George Moncreiff of Reeddie one of the Commiſsioners for the shyre of Fyſe Adhered to the diſsent.

THE Act for the Juſticiary in the Highlands read a second tyme & voted & approven.

THE Act enabling her Majesty to appoint Commiſsioners for ane Union betwixt the tuo Kingdoms of Scotland & England As alſo the Act for the Juſticiary in the Highlands were touched with the Scepter by her Majesties high Commiſsioner in the uſuall manner.

THE further inſiſting in the charge at her Majesties Advocats inſtance against the Dean of Faculty and certain Advocats continowed till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Saturday next at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 27, 1702.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

MOVED that when the Act concerning the Union shall be printed the Letter from the Parliament to her Majesty relative thereto be alſo printed which was ordered accordingly.

SOME more Commiſsioners of Supply were added & being read were approven.

DRAUGHT of ane Act for abjureing the pretended Prince of Scotland commonly called the pretended Prince of Wales and now takeing upon him the title of King of Scotland read and moved that a firſt reading be marked therupon.

MOVED that the Act being of great importance might ly on the Table till the members had farder conſideratione therof And after much debate which of the motions ſhould be received and how the vote should be stated Agried that the State of the vote should be Mark a firſt reading upon the Act, or Ly on the table, and carried Mark a firſt reading.

THE charge at her Majeſties Advocats inſtance against the Dean of Faculty & certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Tuesday next at ten a clock.

MARCHMONT Cancellar. I. P. D. Par.

June 30, 1702.

PRAYERS said Rolls called.

James Brodie of that Ilk one of the Commiſsioners for the ſhyre of Elgin being abſent the former Sederunts of Parliament took the oath of alledgeance & signed the same with the aſsurance and took the oath of Parliament.

MINUTS of the laſt Sederunt read.

THE Dean of Facultie & the Advocats conveened with him being called and the Interloquitor in the cauſe of the tuentie third inſtant read to them they were ordered to withdraw And it being moved & debated Whither to proceed further againſt them before the Parliament or to Remit their caſe to ſome of the Judicatories,

HER Majeſties High Commiſsioner and the Eſtates of Parliament Ordered the proceſs as it ſtands to be remitted to the Privy Councill to be furder proceeded in befor their Lordſhips as they ſhould ſee cauſe.

THEREAFTER Her Majesties high Commiſsioner made the following Speech.

My Lords & Gentlemen,

The cheirfulnes & unanimity of your proceedings in this Seſsion of Parliament, in Recognizeing her Majesties Royal Authority, Secureing the Proteſtant Religion & Preſbyterian Government and Expeding the other Acts that have been paſt for her Majesties service and the good and safetie of the Kingdome, will, I am perſwaded be very acceptable to Her Majestie & satiſfieing to all Her good Subjects and I doe aſsure you is very obleidgeing to me.

But I muſt regrate that when I was expecting we ſhould have parted in the ſame happy manner, a propoſal which I had ſome ground to think was laid aſyde was offered the other day to my surpriſe as well as that of Her Majesties other Miniſters which occaſioned some debate and difference in the houſe.

My early engadgeing and firm adherence to the preſent eſtabliſhment is so well knowen that none can dowbt my readineſs to enter into all meaſures for Her Majesties service and secureing our happy ſettlement according to the Claim of Right and I am confident that you are all of that mynd.

Since then we are all perfectly the same as to our dutifull and faithfull adherence to Her Majestie and that the Claim of Right is our unalterable Securitie I judge it fit for Her Majesties service & your own intereſt to prevent further conteſt and debate amongſt perſons I know to be so intirely well affected to Her Majestie and for whom I have all imaginable honour, to diſmiſs this Seſsion of Parliament.

We have had no particular Acts or Ratifications that doe require ane Act Salvo And I doe render yow hearty thanks in Her Majesties name for the loyaltie yow have teſtified by your publick acts And which I ſhall be carefull to report to Her Majestie And ſhall only recommend to yow to let the Countrey know the gracious aſsurances Her Majestie hath been pleaſed to give us and to diſpoſe them to their duety and to comply with Her Majesties Royall Intentions for their own wellfare & happines And thus I doe in Her Majesties name and by her Authority Adjourn this Parliament till Tueſday the Eighteen day of Auguſt nixt which my Lord Chancellor is to declare in the uſuall forme.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament to meet at Edinbrugh upon Tueſday the Eighteen of Auguſt nixt & declared the ſame to be Adjourned.

MARCHMONT Cancellar. I. P. D. Par.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN AT EDINBURGH, MAY VI, M.DCC.III.

May 6, 1703.

PRAYERS said.

HER Majesties Commiſsion to James Duke of Queensberry for representing her Royall person in this Seſsion of Parliament was read by the Lord Clerk Register and ordered to be recorded.

THE Rolls called.

THE Earle of Forfar protested in name of the Marqueſs of Douglaſse that the calling of any others in the Rolls of Parliament before him may not prejudge him of his firſt vote in Parliament.

THE Earle of Forfar protested alſo in name of the Earle of Sutherland againſt the calling any Earles before him in the Rolls of Parliament.

THE Earle of Erroll proteſted againſt the calling any Earles before him.

THE Earle Marriſhall protested againſt the calling any Earles before him.

THE Earle of Marr proteſted against the calling any Earles before him.

THE Earle of Mortoun protested against the calling any Earles before him.

THE Earle of Eglintoun protested against the calling of the Earle of Glencairne before him.

THE Earle of Finlator protested against the calling the Earle of Airly before him.

THE Earle of Leven protested against the calling of the Earle of Callender before him.

THE Lord Juſtice Clerk protested in name of the Lady Lovat against the calling of any Lord before the Lord Lovat.

THE Laird of Gleneagles protested againſt the ranking of any shires in the Rolls of Parliament before the shire of Perth.

THE Laird of Cavers protested against the calling any other of the barrons representing the shire of Roxburgh befor him who is the most ancient Barron and against the Lord Clerk Register and Lord Lyon for altering the order of their Commiſsion wherein he is first returned.

THE Lord Anstruther for the shire of Fyſe protested against the ranking of any other shire in the Rolls of Parliament before the shire of Fife.

THE Laird of Dunboig protested against calling the Laird of Balfour before him who is son to an ancient Lord.

Hugh Montgomerie Provest of Glasgow protested that the order of the Rolls that is now called might not prejudge the rank of the Burgh of Glasgow.

Sir John Erskine of Alva protested that the calling of him as burgeſse of the burgh of Bruntisland might not prejudge him of his choice to represent the shire of Clackmannan if his Commiſsion from that shire shall be sustained and preferred.

THE Laird of Leuchat for the Burgh of Inverkethin protested against the calling of any other Burgh before Inverkethin.

UPON calling the Rolls there being severall queſtions moved about double elections and objections against elections from some shires and brughs it was agreed to proceed to constitute the House and to qualifie the incontraverted members and then to resume the consideration of these questions before the voting of any other buſineſse.

AFTER calling of the Rolls the Court of Parliament was Fenced in the usuall form by the Lyon King at Arms the words therof being read by the Lord Clerk Register Wherupon the Lord Boyle Lord Thesaurare Deput took instruments in absence of her Majesties Advocat.

HER Majesties Gift and Commiſsion in favours of James Earle of Seafield to be Lord High Chancellor read and ordered to be recorded.

HER Majesties Gift and Commiſsion in favours of William Marqueſse of Annandale to be President of her most honourable Privy Councill read and ordered to be recorded.

HER Majesties Gift and Commiſsion in favours of John Earle of Tullibardine to be Lord Privie Seall read and ordered to be recorded.

HER Majesties Gift and Commiſsion in favours of George Viscount of Tarbat to be one of her Principall Secretaries of State for this Kingdome As also a Letter from her Majestie to my Lord Commiſsioner appointing the said Viscount to have the seat and vote of Secretary of State for this Seſsion of Parliament both read and ordered to be recorded.

HER Majesties Gift and Commiſsion in favours of Sir James Murray of Philiphaugh to be Lord Clerk Register read and ordered to be recorded.

HER Majesties Gift and Commiſsion in favours of Mr Roderick Mackenzie of Prestounhall to be Lord Justice Clerk read and ordered to be recorded.

THE Lord Chancellor took the oath of alleadgeance and subscribed the same with the aſsurance and then took the oath of Parliament all administrat to his Lordship by the Lord Clerk Register And the Lord Clerk Register took the same oathes and subscribed the oath of alleadgeance with the aſsurance administrat to him by the Lord Chancellor: After which all the other Nobilitie Officers of State and Commiſsioners from Shires and Brughs five by five togither in their order took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsurance.

HER Majesties Letter to the Parliament was read first by the Lord Clerk Register and thereafter read againe by one of the ordinarie Clerks.

THE Lord High Commiſsioner made a Speech to the Parliament and the Lord Chancellor another both which Speeches with her Majesties Letter to the Estates were ordained to be printed.

. . . . . .

[THE Speech of his Grace James Duke of Queensberry, &c. Her Majesties High Commiſsioner to the Parliament of Scotland, on Thurſday the Sixth day of May 1703.

My Lords and Gentlemen,

HER Majeſty has been graciouſly pleaſed to give ample and frequent aſsurances to maintain and protect the Religion, Laws and Liberties of this Her ancient Kingdom, and the preſent Conſtitution of the Church; If any thing be wanting for the eaſe and satisfaction of Her Majeſties good Subjects, I am ſufficiently inſtructed and impowered in what may be thought expedient to be propoſed for that end.

The cloſe conjunction of the two Monarchies, which in their turns have deſign'd to enſlave Europe and extirpat our Religion, made it juſt and neceſsary for her Majeſty, to be engaged in the War; and Her early appearance, gave life and vigour to the Confederacy, and particular encouragement to the Proteſtant Princes and States: God has hitherto bleſs'd the arms of Her Majeſty and Her Ally's with glorious succeſs both by sea and land; so that there is a stop put to the Victories, and a check given to the encroaching Power of France.

It cannot but be great satiſfaction to us, to be under the benign Government of a Proteſtant Queen; We enjoy the comforts of Peace, and feel neither the effects of Tyrrany, nor the diſorders of War, in which ſo many are involv'd; But we ought not to be too ſecure, and it were to tempt our Enemies to form deſigns, or make inſults againſt us, if they ſee us in no condition of defence.

All Her Majeſty propoſes to you, is for your ſelves, without mingling any particular concern of Her own; It is to continue the proviſion for the Forces on the Eſtabliſhment, and to furniſh and repair the Forts and Garriſons, which is ſo neceſsary, that I cannot doubt of your ready complyance with Her Majeſties deſires: And your chearfulneſs in it, will be very acceptable to Her Majeſty, obſervable to the World, and a great evidence of your loyalty and affection, which will add much to the value of what you offer.

The decay and preſent low condition of Trade, requires your prudent and ſpecial conſideration; Her Majeſty on Her part is willing to concur with you in any thing that may contribute to encourage and reſtore it, either by making new Laws, or amending the preſent ones.

My Lords and Gentlemen,

It has pleaſed Her Majeſty to honour me with a character to repreſent Her Royal Perſon in this Seſsion of Parliament; I am very ſenſible of the great weight and difficulties which do attend that Trust, but my encouragement is from the confidence I have of Her Majeſties goodneſs, in believing my sincerity and zeal for Her Service, and that in Her Royal Wiſdom, She is ſo careful of Her People, that I am not charged with any thing that can be conſtructed to be againſt the intereſt of the Kingdom, which gives me aſsurance of your hearty concurrence, and I ſhall very faithfully report what Services are done by every Perſon to Her Majeſty and the Nation.]

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[THE Speech of James Earl of Seafield, &c. Lord High Chancellor to the Parliament of Scotland, on Thurſday the 6th of May 1703.

My Lords and Gentlemen,

HER Majeſties Acceſsion to the Throne of Her Royal Anceſtors, is the great happineſs of all Her Majeſties Dominions; She has ever firmly adhered to the Proteſtant Religion, and may juſtly be called the Defender of the Proteſtant Intereſt in Europe; and all who have had the honour to have more immediat acceſs to Her Majeſties Perſon, or who have duly conſidered the whole ſteps of Her Majeſties Government, muſt be convinced, that it is Her Majeſties chief deſign to make all her Subjects happy.

You have heard Her Majeſties moſt gracious Letter, and His Grace my Lord Commiſsioner his Speech, and it muſt certainly give you who are the Repreſentatives of this Kingdom, conveened by Her Majeſties Authority, great ſatisfaction, that Her Majeſty does give you full aſsurance of Her Royal Reſolution, to maintain Her People in the poſseſsion of their Religion, of their Laws and of their Liberties; and has alſo frequently promiſed Her Protection to the Government of the Church; But if any thing be yet needful for the eaſe, contentment and satisfaction of Her Majeſties Subjects, Her Majeſty has given full inſtructions, as my Lord Commiſsioner has ſignified; So that nothing is wanting on Her part, and nothing is propoſed or demanded by Her, but what is neceſsary for the Security and Proſperity of this Kingdom.

Her Majeſty is engaged in a moſt juſt and neceſsary War, for the Defence of the Liberties of Europe, againſt the formidable power of the French King; and as we are to be thankful to God for the Succeſs Her Majeſties Arms have had, so we ought to give Her Majeſty all the ſupport and aſsiſtance in our power, it being ſo neceſsary for our own Defence; And all that Her Majeſty demands, is, That you provide for your own Security, by giving ſuch Supplies as may be further neceſsary for maintaining Her Majeſties Forces, and repairing and providing for the Forts and Gariſons, the doing of which will be a convincing proof of that intire Union and Confidence, which is betwixt Her Majeſty and Her People, and will be the moſt effectual mean to diſappoint the Deſigns of our Enemies, and to preſerve the Peace and Tranquillity we now enjoy.

The Trade of this Kingdom does deſerve your particular Conſideration, the advancing and improvement of it is the only mean to increaſe the Wealth and Riches of this Nation, and in the doing of which, you have full aſsurance of Her Majeſties concurrence; Our Manufactories are very much improved, & ought to have all incouragement, but we have almoſt no Forraign Trade, and all our Towns and Incorporations are thereby much impoveriſhed. You have now an opportunity of doing what you ſhall think neceſsary in this matter, either by amending Laws that may be prejudicial to Trade, or by making new ones, or reviving ſuch as are in defuetude.

My Lords and Gentlemen,

Seeing Her Majeſties chief care is to make all Her Subjects happy and contented, let us therefore in complyance with Her Majeſties juſt demands, cordially and unanimouſly concur to ſupport Her Majeſties Authority and Government, to advance Religion and true Piety, to diſcourage Vice and Immorality, to promote and improve Trade, and to do every thing that is neceſſary for the Honour, Intereſt and Security of this Kingdom, that ſo all may be concluded that comes before you, to the ſatisfaction of Her Majeſty, and the good and welfare of Her People.]

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THEN the draught of ane Act for Recognizing and Aſſerting her Majesties authoritie and her undoubted right and title to the imperial Crown of this Kingdome was preſented by His Grace the Duke of Hamilton and read and ordained to be marked as read for the first time.

AFTER which the Lord Chancellor by order of the Lord High Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 11, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Earles of Glencairn, Home, Galloway, Kincardin, Kintor, Aberdeen, Melvill, and Marchmount, the Viscounts of Stormount and Tiviot, the Lords of Forbes, Saltoune, Colvill and Rollo, and Sir James Stewart her Majesties Advocate took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsurance.

Sir John Lauder of Fountainhall William Morriſon of Preſtongrange Duncan Forbes of Culloden Alexander Duff of Braco and the Laird of Brodie as Commiſsioners for ſhyres David Chryſtie Mr James Melvill Robert Johnſton William Coltron George Moncrieff and Sir William Hamilton as Commiſsioners for borrows in like manner took the oath of alledgeance and oath of Parliament and ſubscribed the alledgeance and aſsurance.

HER Majesties Gift and Commiſsion in favours of the Lord Boyle to be Lord Theſaurer Deput was read and ordered to be recorded.

THE Act for ſettleing the Orders of the Parliament house read and Copies thereof ordained to be affixed on the doors and other places according to custome.

THE consideration of these questions which related to contraverted Elections was reſumed and the double Election for the ſhyre of Clackmannan considered and both the Commiſsioners elected were allowed to ſee & interchange such writs & inſtructions as ſhould be founded upon for aither pairtie and diligence allowed to Sir John Erſkine against the Clerk of the Election and others havers to be reported the day of May instant.

THE double Electione of Sir George Suity of Ballgown and the Laird of Ormiſtoun younger for the ſhyre of East Lothian was considered and both ordained to produce and allowed to ſee all writs to be founded upon in the competition to be farder considered by the Parliament at the nixt meeting.

THE double Elections of the severall Commiſsioners for the shyre of Berwick considered and their respective objections and answers with the writs to be founded on for inſtructing thereof ordered to be given in and seen in the Clerks hands by the parties concerned against the nixt sitting of Parliament and then either determined in plain Parliament or remitted to a Committie.

A WARRAND given to the Barrons and freeholders of the shyre of Selkirk to Elect another Commiſsioner for that shyre in place of Sir James Murray of Philiphaugh now promoted to be Lord Clerk Register and to meet for that effect upon Tuesday the eighteenth current.

THE double Election of the severall Commiſsioners for the shyre of Lanrick considered and the Commiſsion from that ſhyre in favours of the Lairds of Lamingtoun Jerviswood Steinstoun younger and Aikenhead unanimously sustained and they took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance & aſsurance accordingly.

WARRANDS upon Petitions in order to the obtaining Protections granted for citeing the creditors of Sir Archibald Cockburn elder of Langtoun William Cockburn now of Cockburn son to the deceast James Cockburn sometyme Goldsmith in Edinburgh and Patrick Steill vintner there.

THEN the Lord Chancellor by order of my Lord High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 14, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Lords Semple, Elphingstoune, Forreſter and Bellenden Sir John Houſtoun of that Ilk the Laird of Blackhall younger & Alexander Gordon of Gartie Commiſsioners for ſhyres, took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance & aſsurance.

THE Contraversie anent the Commiſsions of Sir Robert Sinclair of Longformacus and Sir John Hume of Blackader for the shyre of Berwick being past from they took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsurance.

Mr Robert Stewart of Tillicoutrie haveing chosen to represent the shyre of Bute and Sir John Erskin of Alva to represent the Brugh of Bruntisland rather than to insist upon their contraverted Commiſsions for the shyre of Clackmanan both took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsurance.

THE Laird of Cavers haveing insiſted on his Proteſtation against the Lord Register and the Lord Lyon for altering the order in the Returne of the Electione for the ſhyre of Roxburgh obſerved in this and former Elections where the Lairds of Cavers were chosen The Lord Clerk Register was ordained to search in the Records of Parliament how the Lairds of Cavers when formerly elected with Knights Barronet to Repreſent that ſhyre were in uſe to be ranked in the Rolls and to report.

THE consideration of the contraverted Election for the shyre of Hadingtoune betwixt Sir George Suttie and the Laird of Ormeſtoun younger was of consent of pairties continued to the first sitting of Parliament nixt week.

THE consideration of the double Elections for the ſhyre of Berwick continued of consent to the same day.

MOVED that the objections made against the Elections for the ſhyre of Drumfreis might be considered And in regaird neither the objectors nor any haveing their mandat were present to insiſt the consideration thereof was let fall.

THE Consideration of the contraverted Elections for the ſhyres of Aire and Dumbartoun continued And all pairties appoynted to produce their ſeverall writes for instructing or anſwering the respective objections against the first sitting of Parliament nixt week that the Parliament might then determine With certification if they produced not that no farder tyme should be allowed for produceing thereof.

THE contraverted Election for the shyre of Renfrew in favours of the Laird of Pollock of that Ilk and the Laird of Orbistoune younger with the severall objections against these freeholders who voted for either pairtie being considered the objection against Houstoun elder of Johnstoun was ſustained there being nothing produced to instruct his freehold Then the objection against the toune of Pasley (that being a Burgh of Barrony howbeit infeft and in poſſeſsion of a freehold yet since no burges could be delegat for that end therfor the incorporation could have no vote in the election of Barrons) was considered And the houſe haveing acquiesced to ſustain the vote the objection was past from by the pairty and allowed to be withdrawen After which the objections against Semple of Cathcart and some others who had voted for Orbistoun younger being sustained the Commiſsion in favours of the Laird of Pollock was preferred And accordingly he took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance and aſsurance.

THE compeating Commiſsioners for the respective ſhyres of Linlithgow and Orknay were ordained to produce & interchange such writs as they were to found upon in their ſeverall competitions to be seen by either pairtie concerned in order to the determining thereof the first sitting of Parliament next week With certification if they failzied no farder tyme should be allowed them &c.

James Sinclair of Stempster one of the Commiſsioners for the shyre of Caithnes was ordained to instruct his haveing right to vote in the Election of Commiſsioners to the Parliament from that shyre against the same day with the lyke certification.

THE Protestation against the Election of the Laird of Strendrie for the shyre of Fyfe and grounds thereof being considered his Election was found null as being made without the previous intimation at the head Brugh of the ſhyre required by Law And accordingly his name was ordained to be left out of the Roll and a Warrand granted to the freeholders of that shyre to meet for a new Election on Tuesday the 25th of this month.

THE compeating Commiſsioners from the Brughs of Haddingtoune Kirkcaldie Arbroth and Dornock Ordained to Informe anent their ſeverall cafes and to produce their respective instructions to be considered the first ſitting of Parliament next week With certification that noe farder tyme shall be allowed for doeing thereof.

THE Lord Chancellor by order from her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 15, 1703.

PRAYERS said The Rolls called.

THE Lord Advocat proteſted for the Lord Register & himself that the calling of the Lord Thesaurer Deput in the Rolls before the Lord Register and him with regaird to his being a Peer might not prejudge them of their just rank and precedency.

THE Minuts of the last Sederunt read.

THE Formula subjoyned to the Act of Parliament in November 1700 for preventing the grouth of Popery as it was ſubscribed by the Lord Semple and attested by the Earle of Eglintoune and her Majesties Advocat two of the Lords of her Majesties Privy Councill being read The Lord Sempill was ordained to take and ſubscribe it again in Parliament and he took and ſubſcribed it accordingly.

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[THE Oath of Francis Lord Sempill taken by order and in preſence of Parliament.

I Francis Lord Sempill, do from my heart, profeſs and declare before God, who ſearcheth the heart, that I do deny diſown and abhore the tenets and doctrines of the Papal Romiſh Church, viz. the ſupremacy of the Pope and Biſhop of Rome over all paſtores of the Catholick Church, his power and authority over Kings Princes and States, and the infallibility that he pretends to either without or with a general Council, his power of diſpenſing and pardoning, the doctrine of tranſubſtantiation, and the corporal preſence, with the Communion without the Cup in the ſacrament of the Lords ſupper, the adoration and ſacrafice profeſsed and practiſed by the Popiſh Church in the Maſs, the invocation of Angels and Saints, the worſhiping of images croſses and relicts, the doctrine of ſupererogation indulgences & purgatory, and the ſervice and worſhip in ane unknowen tongue All which tenets and doctrines of the ſaid Church I believe to be contrary to and inconſiſtent with the written word of God And I do from my heart deny diſown and diſclame the ſaid doctrines and tenets of the Church of Rome as in the preſence of God without any equivocation or mental reſervation but according to the known and plain meaning of the words as to me offered and propoſed So help me God. Sempill.

SEAFIELD Cancellar. I. P. D. P.]

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IT being moved that the Act presented by the Duke of Hamiltoun for recognizeing and aſserting her Majesties authority might have a ſecond reading Her Majesties Advocat offered to the consideration of the Parliament an additionall Clauſe to the ſtatutory pairt of the Act viz. that it should be treason to quarrel her Majesties right and title to the Croune or her exerciſe of the government from her actuall entry to the same And after reaſoning upon the addition the vote was Stated, Proceed or Delay the consideration of the amendment and carried Proceed.

IT was thereafter moved that in place of these words propoſed be her Majesties Advocat the following words might be added viz. that it should be treason to quarrell her Majesties right and title to the Crown or her being in the exerciſe of the government thereof conform to the Claim of Right And thereupon the vote ſtated Whither the first or the second clauſe should be added It carried that the first ſhould be added And then the Act with the first additionall clauſe was put to the vote and approven.

THE deſyre of a Petition for the Earle of Home Craveing a Warrand to cite Sir Patrick Home Advocat to compear before the Parliament for diſcuſsing a Protestation for remead of Law taken upon his obtaining a Decreit of the Lords of Councill & Seſsion against the said Sir Patrick was granted.

WARRANDS on Petitions in order to the obtaining Protections granted for citing the Creditors of Mr William Gordon of Balcomie Advocat and Mr John Buchan Clerk to the High Commiſsion for valuation of teinds &c.

THE Lord Chancellor by order from her Majesties High Commiſsioner Adjourned the Parliament till Wednesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 19, 1703.

PRAYERS said The Rolls called.

THE Lord Rae and Mr John Pringle of Haining Commiſsioner for the ſhire of Selkirk in place of Sir James Murray of Philiphaugh now Lord Register took the oath of alleadgeance and oath of Parliament and ſubscribed the alleadgeance and aſsurance.

THE Minuts of the last Sederunt read.

THE Act for recognizeing her Majesties authoritie was touched with the ſcepter by the Lord High Commiſsioner in the uſuall forme.

THE Earl of Home presented the draught of ane Act and offer of a ſupplie to her Majestie for the ends therein contained.

THE Marques of Tueeddale presented ane Overture for a Resolve of Parliament That before all other buſsines the Parliament might proceed to make such conditions of government & regulations in the Constitution of this Kingdome to take place after the deceaſe of her Majestie and the airs of her body as ſhall be neceſsary for the preservation of our religion and libertie both which papers were read in order as they wer presented & ordered to ly on the table.

THE consideration of the contraverted Elections for the ſhire of Eaſt Lothian betwixt Sir George Suttie and the Laird of Ormiſtoun younger was resumed and the objection against Home of Gembleſheills who had voted for Sir George that his retour did not bear his lands extended to the Twenty merks of old extent mentioned therein as distinct from the few duetie in the Reddendo conforme to the Act of Parliament 1681 was ſustained The objection against Cant of Dryburnfoord ane other of those who voted for Sir George was past from and the objection against Ogle of Poplehall (that howbeit his writs containe a Ten pund land yet he has not right to ſuch ane pairt thereof as effeirs to a Fourtie ſhilling land within the ſhire of East Lothian with the anſwer to it viz. That unleſs it were proven he was denuded thereof or that ſo much of his land lay in the ſhire of Berwick as leaves not ſuch a proportion thereof in Eaſt Lothian as effeirs to a Fourtie ſhilling land he ought ſtill to have his vote) being considered The pairtie objected against was called and he affirming that he had ſtill remaining within the ſhire of East Lothian more of the Ten pund land in the Retour produced for him than effeirs to a Fourtie ſhilling land there was a conjunct probatione allowed to aither pairtie anent Popilhals haveing ſtill in his poſſeſsion within the ſhire of East Lothian a fyfth pairt of the Ten pound land contained in the Retour produced according to the ſeverall proportions thereof lying in both ſhyres and dilligence granted for that effect against the first sitting of the Parliament next week With certification that no farder time ſhould be allowed Then the objection againſt Hepburn of Beanſtons vote with the answer made thereto being considered After ſome reasoning thereupon The vote was ſtated Proceed to determine or Remit to a new Election and it was carried Proceed After which the vote was again ſtated Sustain the objection or No and carried No.

A PETITION for the Lord Roſse presented and ordained to be read the nixt sitting of Parliament.

THE Lord Chancellor by order from the Lord High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 21, 1703.

PRAYERS said The Rolls called.

THE Patent given in by King James the Seventh in favours of Charles Earle of Dunmore for the title and dignitie of ane Earle &c. being read and ordered to be recorded he took the oath of alleadgeance to her Majeſtie and oath of Parliament and subscribed the alleadgeance and aſsurance.

THE Minuts of the last Sederunt read.

ORDERED that the actione upon the Protestation for remeed of Law taken by the Laird of Pourie against the Lord Gray be heard first of privat buſsines.

MOVED that Sir George Suittie might adminiculat his Commiſsion by proveing that the Laird of Beanstoune truely voted for him at his electione notwithstanding of what is contained in the last Minuts relating to that objectione Whereupon he was allowed a dilligence for adducceing his witneſses to that effect against the first sitting of Parliament nixt week.

THE Petitione for the Lord Roſs anent the altering of the common road about his house in the country in favours of his parking and policie was read and granted and a new way appoynted to be made at sight of the Commiſsioners of Supplie for that shire.

A PETITION for Adam Cockburn of Ormestoun lait Theſaurer Deput Craveing that his Grace and the Estates of Parliament may lay doun such rules for enquiring into the manadgement of the funds imposed be Acts of Parliament as he may hope to see these accompts discharged in his own tyme read and ordered to ly upon the table.

A MOTION made by the Marques of Atholl Lord Privie Seal that the accompts of all funds given by Parliament during the last Reigne and how the same were applyed be laid before the Parliament or any Committie or Commiſsione thereof to examine and report was agreed to and ordered to be insert in the Minuts.

A REPRESENTATION for Sir George Suittie relating to the vote of Home of Gemelsheills was read and rejected.

A WARRAND granted for citing the creditors of Major Alexr Stevenson in order to his obtaining a Protection.

THE like Warrands granted in favors of Robert Hamilton eldest son to William Hamilton of Wiſhaw and Captain Alexander Cockburne second son to Sir Archibald Cockburn of Langtoun.

THE consideration of the Elections yet in contraversie for the ſhire of Berwick resumed but afterwards at the desyre of the pairties continued till nixt sitting of Parliament.

THE consideration of the contraverted Elections betwixt Sir Alexander Home of Castlemains the Laird of Kilbirnie and Sir William Cunninghame of Cunninghamehead for the shire of Air was resumed And the objection against Reid of Merkland that he was not qualified to vote in the terms of the Act 1681 was sustained in regaird there was nothing produced to instruct his freehold.

THE objection against Doctor Dickson that he was husband to a liferenter and not to ane heirefs was insisted in And after reasoning the vote was stated Sustaine the objection or No and carried Sustaine.

THE objection against Cathcart of Gainoch was repelled The objection against Mitchell of Daldillan that he had not fubscribed the afsurance was sustained The objection against M[c]Goun of Nether Sinrestoun was repelled that he haveing removed after he was qualified he returned not to give his vote untill the pluralitie was declaired.

THEN the objection against Cunninghame of Robertland founded on his haveing a Protection was sustained And thereupon Kilbirnie being found to have the pluralitie of legal votes was preferred and admitted and took the oath of alleadgeance and oath of Parliament and fubscribed the alleadgeance & afsurance.

THE consideration of the contraverted Elections betwixt the Lairds of Kilmaronock and Lufs on the one pairt and M[r] James Campbell of Portkill and George Napeir of Kilmahew on the other was resumed and the objection against Kilmahew that he is not appearand heir by vertue of his predecefsors infeftment but by vertue of ane bond of tailzie whereon no infeftment followed and his grandmother in pofsefsion was sustained The objection against Campbell of Carrick younger and James Grant of Pluscarden that the first was not present and the last not infeft were sustained The objection against Campbell of Rachean that he was neither infeft himself nor appeirand heir to any who was infeft was sustained in regaird there was no sufficient production made for instructing his predecefsors right in the terms of Law The objection against Gartshore of that Ilk that he was only appeirand heir and not in pofsefsion as such but as Adminiftrator to his son haveing right by a disposition from the grandfather who had been infeft was repelled as not instructed And thereupon the Lairds of Kilmaronock and Lufs were admitted as duely elected and took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and afsurance.

THE Lord Chancellor by order of Her Majesties High Commifsioner Adjourned the Parliament till Munday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 24, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

A PETITION for Sir Thomas Wallace of Craigie craving he might be allowed by taking the oath of alleadgeance & fubscribing the fame with the afsurance to qualifie himself for his imployment as an Advocat read and granted and he allowed to qualifie before the Lords of Sefsion.

Sir George Broun of Coalstoun Sir Peter Wedderburn of Gofford and John Hay of Letham witnefses adduced for adminiculating the Commifsion from the shire of East Lothian in favours of Sir George Sutie of Balgon were called to prove that William Hepburn of Beanftoun truely voted as he had fubfcribed to the faid commifsion and gave their oathes thereanent in presence of Parliament Upon advifing whereof the vote was ftated If Sir George Sutie had by the teftimonies adduced adminiculated his commifsion by proving that Beanstoun truelie voted for him at his election Yea or No and carried No.

MOVED then that the probation adduced to inftruct that Ogle of Popilhall had ftill in the shire of Eaft Lothian a fifth part of the ten pund land contained in his retour might be advifed and thereupon the vote ftated If in this cafe the probation fhould be allowed by the real rent Yea or No and carried No.

A PETITION for Sir George Sutie founded upon new documents relating to Gamblefheils having right to vote at his election read but the mater repref ented therein not being inftructed the electors for the Laird of Ormieftoun younger were found of equal number to fuch as were dulie qualified of thofe who had elected Sir George Sutie And thereupon a Warrand ordered for a new election of a fourth Commifsioner for Eaft Lothian and the freeholders appointed to meet for that end on Tuefday the firft of June nixt.

THE inftrument & proteftation taken by Sir Thomas Kilpatrick of Clofburn & his fon against the elections for the fhire of Dumfreis was read & after hearing the parties upon the objections contained therein and the anfwers they were allowed to be withdrawn.

THE Lord Chancellor by order of her Majesties High Commifsioner adjourned the Parliament till Wednefday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 26, 1703.

PRAYERS said The Rolls called.

Robert Douglafs of Strendry being duly elected Commifsioner for the fhire of Fyffe took the oath of alleadgeance & oath of Parliament & fubscribed the alleadgeance & affurance.

THE Minuts of the laft Sederunt read.

ORDERED that when the Rolls are called for a vote of Parliament all the members ftand upright in their places & give their votes audiblie and that none prefume to anfuer for another.

MOVED that the Act for the Supplie be confidered in order to a firft reading.

MOVED that the remaining contraverted elections might be determined for the more full reprefentation of the Estates before any farder procedure in the Supplie.

MOVED that the Overture given in by the Marquefs of Twedail for a Refolve to make thefe conditions of Government and regulations in the Conftitution of the Kingdom to take effect after the deceafse of her Majeftie and the airs of her body which might be neceffary for fecuring Religion and Libertie be taken to confideration as being of greater import to the Nation than any other mater now lying before the Parliament And the ftate of a vote thereafter offered in thefe terms viz. Proceed to the reading an Act for a Supplie Or to the making an Act or Acts for fecuring our Religion Libertie and Trade before all other bufinefs

And after long debate on theſe ſeveral motions and ſtate of the vote ſucceſsivelie the debate was delayed of conſent to the nixt ſitting of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

May 28, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

Sir Patrick Home and Sir John Swintoun deſireing to be admitted Commiſsioners for the ſhire of Berwick ſince the contraverſie anent their elections was agreed There was a Petition read for Simon Marjorybanks of Dedrigs and ſeverall freeholders in that ſhyre craveing they might not be received becauſe ſuch agreements could not prejudge the priviledge of the freeholders who had right to chooſe a new Commiſsioner when their votes came to be found equall in any election or that any Commiſsion became void as had happened in this caſe by the Laird of Jerviſwoods accepting another commiſsion for the ſhyre of Lanerk though he had more votes than both theſe Commiſsioners at his election for the shyre of Berwick Upon advyſeing of which Petition The vote being ſtated Admit both theſe Commiſsioners or No it Carried that both ſhould be admitted and they took the oath of alleadgeance and oath of Parliament & ſubscribed the alleadgeance and aſsurance.

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[UNTO his grace James Duke of Queenſberrie her Majeſties high Commiſsioner and honorable eſtates of Parliament

The repreſentatione of Simon Marjoribanks of Dedrigs & severall of the barrons and frieholders of the ſhirifedoome of Berwick

Humblie ſheueth

THAT whair at the laſt electione of Commiſsioners for that ſhyre the Lairds of Longformacus Blackader & Jerviſwood being elected by the pluralitie of the electors to ſerve as three of the ſaids Commrs and there being ane equalitie of votes for opr three of these who stood for that electione wherby it could not be determined but was debaitable which of the reſt who stood in competitione ſhould make the fourth But Jerviſwood having bein elected for ane opr ſhyre & made his choyſe to serve for that ſhyre therby there became tuo vacancies in that ſhyre and there being four who ſtood in competitione therefor the ſame by a reference is determined in favours of Sir Patrick Home and Sir John Suintoune tho the petitioners doe humblie conceive that one of the perſones who was elected by the pluralities of votes having made choyſe to serve in ane opr ſhyre the vacancie pᵗby could not be supplied be determinatione upon a reference of these who stood in competitione for a fourth commiſsioner but aught to have gone back to the ſhyre for a new electione and lykeuayes underſtanding that theſe to whom the reference was made have rejected ſeverallꝭ of the votes of the freeholders in that ſhyre who have good right to vote as they have aluayes done in former electiones since by the taxt roll made by commiſsioners authoriſed by the Lords of Seſsione to be the rule of uplifting the taxatione according to the old extent in that ſhyre their old extent is by the ſaid Commiſsione found far to exceed a fortie ſhilling land which the act of Parliat alloues ſufficient to give a right to vote and that they have conſtantly borne burden of all taxationes ſince conforme to that rule which ſeemes to be the moſt authentick document for clearing old extents wherby all taxationes were payed and that this commiſsione and reporte pᵗof is regrat in the publick regiſter and a regr book therof extant in the Parliat houſe as the regrs of opr decreets and of the ſame authoritie Therfor the sds barrones humblie conceive that this their right of electing for which they have borne burden and payed verie dear continually ſince the dait of the said roll cannot be taken auay from them unheard by any ſuch referance of theſe (who had no poner to ſubmitt or ſubject their right to such a tryall) nor determinatione theron and that they may be clear in their right to vote in electiones in tyme coming It is humblie desyred that your grace and high Court of Parliat would allow them to be heard on the defence of their ſaid right and that no members choſen in this maner without their knouledge or conſent ſhould be received admitted or alloued to repreſent them and your grace and honorable eſtates of Parliats anſr. Alexr: Hay.

Edr 28 May 1703.

Her Majeſties high Commiſsioner & ye Eſtates of Parliat haveing heard this Petition they refuſe ye deſyre pᵗof.

SEAFIELD Cancellar. I. P. D. P.]

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A PETITION by Mr Rodger Hepburn craveing he might be allowed to take the oath of alleadgeance and aſsurance for exerceing his imployment as ane Advocate granted & he allowed to ſwear and ſubſcryve the ſame before the Lords of Seſsion.

A PETITION for the diſbanded Officers relateing to their Arrears and Subſiſtance read and appoynted to be brought in and conſidered the firſt ſitting of Parliament nixt week.

THE former dayes debate was reſumed.

RESOLVED that the Parliament will proceed to make ſuch Acts as are neceſsary or fit for ſecureing our Religion Liberty and Trade before any Act for Supplie or any other buſsineſs whatsoever.

THE draught of an Act for ſecuritie of the Kingdom was read and the draughts of the ſeverall Acts following were preſented and read viz. An Act ratifieing the firſt Act of the firſt Seſsion of the laſt Parliament and of new enacting & declaireing that all Acts paſt in the ſeverall Seſsions thereof be obeyed as lawes, An Act ordaineing that after the deceaſe of her Majestie and airs of her body all offices civill or militarie in this Kingdome formerly conferred by our Kings ſhall ever after be given by the Parliament by way of Ballot, An Act declaireing that after the death of her preſent Majestie and failzieing airs of her body no person comeing to the Croun of Scotland being at the ſame tyme King or Queen of England ſhall as King or Queen of Scotland have power to make peace or war without conſent of Parliament, An Act allowing the importation of all sorts of wines & other forraigne liquors, An Act for ſecureing the true Proteſtant Religion and Preſbiterian Government All which were ordered to lye on the table.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 1, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Petition of the diſbanded Officers delayed untill the Act for a Supplie come to be farder conſidered And in the mean time the Clerk of the Thesaurie ordered to prepare & ſtate an accompt of the funds and of the arrears due to the ſeverall regiments to which the Officers belonged.

THE draught of an Act for a Tolleration to all Proteſtants in the exercise of Religious worſhip read.

A REPRESENTATION by the Commiſsion of the late General Aſsemblie against the Tolleration read.

THE draughts of the following Acts were then given in & read viz. An act in favours of the Royal Burghs An act allowing the exportation of mort lamb ſkins An act continueing the prohibition of exporting Engliſh or Iriſh wooll to the nixt Seſsion of Parliament An act anent the meaſuring & ſealing of Woollen and Linen cloath An act anent a triennial Parliament An act incapacitating perſons having penſions not annexed to offices all officers in the armie & theſe imployed in the cuſtomes to have vote as members of Parliament in impoſing of publick burdens An act in favours of the Company tradeing to Affrica & the Indies An act anent Leeſing makers & Slanderers And an act for deliverie of meal by weight all which were ordered to lye on the table.

John Cockburn of Ormieſtoun younger being elected Commiſsioner for the ſhire of East Lothian took the oath of alleadgeance & oath of Parliament & ſubscribed the alleadgeance and aſsurance.

MOVED that the Act for ſecuritie of the Kingdom be conſidered in order to a firſt reading.

MOVED that the Act for ſecuring the true Proteſtant Religion & Preſbiterian Government be firſt conſidered.

MOVED that the Act for ratifieing the firſt Act of the Parliament 1689 turning the Meeting of the Eſtates into a Parliament be conſidered before any other.

MOVED that before any procedure in the conſideration of theſe Acts the remaining controverted elections be determined for the fuller conſtitution of the Parliament & thereupon the vote being ſtated Proceed to conſider the acts or to determine the elections it Carried that the acts ſhould be conſidered.

THE Act for ſecuring the true Proteſtant Religion and Preſbiterian Government read & ordered to be marked a firſt reading.

THEN the vote was ſtated Whither the Act for ſecurity of the kingdom which was firſt read or the Act for ratifieing the firſt Act of the Parliament 1689 which was nixt read ſhould be firſt conſidered & it Carried that the firſt read ſhould be firſt conſidered.

THE Act for ſecurity of the kingdom read & ordered to be printed.

THE draught of an Act for adjourning the Seſsion read And the vote being ſtated Mark a firſt reading or No it Carried No.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 3, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

PETITION for Thomas Viscount of Teviot relating to the Clothing money and arreirs of his royall regiment of Dragouns read & delayed untill the Act for the Supplie be farder conſidered.

PETITION for Patrick Steill vintner read.

PETITION for the Magiſtrats of Lanrick relating to their bridge built over Clyde near that burgh read.

PETITION for Major Alexr Stevensone read.

THE firſt day the Parliament ſhall ſit after the next week appoynted for takeing all theſe Petitions & other privat buſineſs to consideration.

A WARRAND granted for citeing the Creditors of the Laird of Clackmannan in order to his obtaining protection.

THE draught of an Act defyning what Crymes are bailable given in and read and ordered to lye on the table.

THE Act for securing the Proteſtant Religion and Preſbiterian Government being again read the firſt part of it for security of the Proteſtant Religion was unanimously acquieſced in without a vote and the laſt part anent Preſbiterian Government being conſidered there was an exception added of the allowance given to Miniſters qualified in the termes of the 27 Act of the 5 Seſs: of King Williams Parliament & then the whole Act put to the vote & approven.

THE Act for the Tolleration being again read It was moved that her Majesties Letter to the Privie Counceil anent the preachers of the Episcopall persuaſion might be laid before the Parliament and the ſaid Letter being accordingly brought in and read was immediatly returned to the Clerk of Privie Councell.

THE Act for security of the Kingdome read again & ordered to be marked a firſt reading but not to paſs untill it be yet twice read & conſidered.

THE Act for ratifieing the firſt Act of the Parliament 1689 turning the Meeting of the Estates into a Parliament read & ordered to be marked a firſt reading.

THEN the severall Acts anent the conferring of offices the makeing of peace & war & the importation of wynes &c. were read & theſe three Acts ordered to be printed.

THE Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 7, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ratifieing the firſt Act of the Parliament of King William & Queen Mary read for the ſecond time and the first

part of it approveing the turning the Meeting of the Estates into a Parliament acquiefced in And after fome debate on the laft part declaring that it fhall be treafon to impugne or endeavour by writing malicious & adviſed ſpeaking or other open act or deed to alter the Claim of Right the vote was ſtated Proceed or Delay & carried Proceed Then that part of the Act being read again the vote was ſtated Approve the Act or Not & carried Approve.

THE Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till Wedneſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 9, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read

THE draught of an Act enjoyning the aſsurance given in and read.

THE draught of ane Act againſt the impoſing of any other oaths & declarations than theſe alreadie appoynted by Law given in and read.

MOVED that the remaining contraverted elections be determined or a day appoynted for that end and the next day the Parliament ſhall fit appointed to conſider the ſame accordingly.

RESOLVED that the Committie for inſpecting the publict accompts be named immediatly after diſcuſsing the elections.

MOVED that the Petition given in for the Laird of Moriſtoun might be read and thereupon ordered that Sir James Cockburn be cited by getting a full Copie of the Petition with the report to which it referrs to Compear and be readie to anſuer the firſt ſitting of Parliament next week.

Sir David Dalrymple allowed upon the petition of Doctor George Osuald to plead for the Doctor againſt the granting protection to Mr John Buchan.

THE Draught of ane Act in favours of the burgh of Elgine toward the compleiting of their harbour at the mouth of the River of Loſsay read and ordered to lye on the table.

THE Act for ſecurity of the Kingdome read and conſidered.

THE draught of ane Act for reſcinding the ſecond Act of the third Parliament of King Charles the Second read And after reaſoning thereon the vote was ſtated If the Act ſhould be marked a firſt reading or ſhould lye on the table and Carried that it ſhould lye on the table.

THEN the conſideration of the Act for ſecurity was reſumed And after reaſoning on ſome clauſes thereof the farder conſideration of the Act was continued to the next ſitting of Parliament.

THE Lord Chancellor by order of Her Majeſties high Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 11, 1703.

PRAYERS ſaid The Rolls called.

MOVED that the Laird of Meldrum might be admitted Commiſsioner for the Brugh of Dornoch ſince the competing Commiſsioner had withdrawn his Commiſsion And after ſome debate anent the admitting him it was agreed that whatever might be legally objected againſt him by a party having intereſt ſhould be receaved at any time even after his admiſsion and the vote ſtated Admit in theſe terms or Not carried Admit It was then moved that he having been once Papiſt might take the Formula ſubjoined to the Act for preventing the growth of popery which he did deſiring it might be inſert in the Minuts that he owned his being Proteſtant ſeverall years before that Act and thereafter took the oath of alleadgeance & oath of Parliament & ſubſcribed the ſaid Formula with the alledgeance & aſsurance.

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[FORMULA taken and ſigned in Parliament by John Urquhart of Melldrum.

I John Vrquhart of Melldrum, do ſincerly from my heart profeſs and declare before God who ſearcheth the heart That I do deny, diſown and abhore the tenets and doctrines of the Papal Romiſh Church, viz. The ſupremacy of the Pope and Biſhop of Rome over all paſtores of the Catholick Church, his power and authority over Kings Princes and States, and the infallibility that he pretends to either without or with a General Council, his power of diſpenſing and pardoning, The doctrine of Tranſubſtantiation, and the corporal preſence, with the communion without the Cup in the ſacrament of the Lords ſupper, The adoration and ſacrafice profeſsed and practiſed by the Popiſh Church in the Maſs, The invocation of Angels and Saints, The worſhiping of images, croſses and relicts, The doctrine of ſupererogation, indulgences & purgatory, And the ſervice and worſhip in ane unknown tongue: All q^{ch} tenets and doctrines of the ſd Church I beleive to be contrary to, and inconſiſtent w^{t} the written word of God. And I do from my heart deny, diſown & diſclame the ſd doctrines and tenets of the Church of Rome as in the preſence of God without any equivocation or mentall Reſervation But according to the known and plain meaning of the words as to me offered & propoſed So help me God. John Vrquhart.

SEAFIELD Cancellar. I. P. D. P.]

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THE Minuts of the laſt Sederunt read.

PETITION for Archbald Marques of Douglaſs craving a warrand for citeing the Earl of Forfar to inſiſt upon his proteſtation for remede of Law againſt him read & at the Earls requeſt allowed to be ſeen & anſuered the nixt ſitting of Parliament.

AGREED that an Overture for an Act in favours of the toun of Glaſgow A Petition by the Delegats of the Woollen & Silk Manufactories & an Overture for an Act in favours of the ſhire of Caithneſs be all conſidered the firſt ſitting of Parliament for privat buſineſs.

MOVED that the Petition of the Laird of Moriſtoun be granted deſiring that her Majeſties Advocat Sr Gilbert Elliot & Sr David Cuninghame albeit members of Parliament may be allowed to plead his cauſe againſt Sir James Cockburn & theſe Advocats allowed to plead for him accordinglie.

PETITION for Anna Cockburn for making up the tenor of burnt writs read & agreed that the report of her cauſe be receaved and conſidered the firſt Sederunt of Parliament for privat buſineſs.

THE contraverted Election betwixt Lieut Generall Ramſay of Cariden & Thomas Sharp of Houſtoun for the ſhire of Weſt Lothian called And the objections against Houſtouns electors being firſt inſiſted in he paſt from the votes of John Macfarlan Alexr Glen the Laird of Balcaſky younger & John Hamiltoun of Pumpherſtoun It was objected against Mr James Hamiltoun of Bangour that his Ladys freehold extended to no more than a thretty ſhilling land of old extent ſhe being one of two heirs portioners to a brother who though he was once infeft in a five pund land was afterwards denuded of a forty ſhilling land ſo that the Lady had right to no more than the equal half of the remaining three pund land 2o The Lady not being infeft could not as appearand heir give right to her huſband to vote as a freeholder To which it being anſuered that the denuding the brother of forty ſhilling of his five pund land was not objected at the election & therefor is not now receavable in Parliament 2o The general terms of the Act 1681 gave the right of election to the huſband of an appearand heir as well as to that of a freeholder infeft The vote was ſtated Suſtain theſe objections or No & carried Suſtain It was objected against Robert Johnſtoun of Straitoun that he was only appearand heir to an annualrenter & not to a proprietar And it being anſuered that his father ſtood infeft in a freehold in the terms of the Act 1681 It was replyed that his charter produced inſtructed not a forty ſhilling land of old extent And duplied that it contained a third part of a land which was inſtructed by an older charter produced to be of yearly extent twenty four pund & a merk land which ought to be preſumed to be of old extent The vote was thereupon ſtated Suſtainé or Repell the objection & carried Repell It was then objected against John Hamiltoun of Grange that not being infeft he could have no vote as apparent heir to his father becauſe there were children of his elder brother 2o Though his Jus apparentiæ were not queſtioned he was not in poſſeſſion without which his apparencie gave him no right of election And it being anſuered that his brothers children were declared ſpurious by Decreet of the Judge competent and that he truely was in poſſeſſion It was replyed that he could not poſſeſs as heir to the freeholder laſt infeft his father being denuded by adjudication in the year 1671 & the legal now long ſince expired the rents were ſequeſtrat by Decreet of the Lords in the hands of a factor for the behoof of the adjudgers And there being ſeverall writs produced for inſtructing the reply the Advocats for Grange were allowed to ſee them till nixt ſitting of Parliament.

THE Lord Chancellor by order of her Majeſties high Commiſſioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 14, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

AGREED that the contraverted elections be conſidered next ſitting of Parliament before any other buſsines whatsoever.

PETITION by the Lord Advocat for a warrand to cite Robert Johnston of Stratoun & others in order to approving the tenor of loſt writs read and the warrand granted.

MOVED that the Lord Register make his report from the Records how the Lairds of Cavers when elected with Knights Barronet to represent the shyre of Roxburgh were in use to be ranked in the rolls And agreed that the report be considered the next sitting of Parliament and Sir William Ker of Greenhead allowed to see it in the mean tyme.

PETITION for Mr William Hog of Harcarſe defyring certain priviledges for his Woollen manufactory read and ordered to ly on the table.

PETITION for George Lockhart Merchant in Glasgow for a recommendation of his caſe to her Majestie and the Lords Commiſsioners of the Thesaurie read & the desyre thereof granted.

PETITION for James Oliphant of Langtoun relateing to the Survivance of the firſt office which ſhall be vacant amongst the six ordinary Clerks of Seſsion read and ordered to ly on the table.

THE draught of ane Act prohibiting Butchers to be graziers read and ordered to ly on the table And thereupon it was recommended to the Lords of Seſsion to regulat the prices of wine & vivers within the toun of Edinburgh.

MOVED that an Overture for the better imploying the poor offered by Doctor Hew Chamberlaine be considered And the consideration thereof delayed till the firſt sitting of Parliament for privat buſineſs.

PETITION by Alexr Nisbet for enableing him to perfect his book of Herauldrie read and ordered to ly on the table.

AGREED that the Act in favours of the Toun of Glasgow be considered the nixt sitting of Parliament.

PETITION by the manadgers of the Woollen & Silk Manufactories read and delayed untill the condition of the trade of the Nation be considered.

THE summonds for liberation & protection raised by Mr William Gordon against his creditors being called in common form and Sir William Hope of Balcombie the only compearing creditor having consented with that quality The persewar was ordained to be liberat and his protection granted conditionally That if at any time he or any of his hounding out or ratihabition ſhould moleſt the ſaid Sir Wm in the peaceable poſſeſsion of the lands of Balcombie the protection in so far as concerned Sir Williams intereſt ſhould ipso facto become void & null.

THE draught of ane Act inlargeing the tyme of compearing in summonds & other legall executions within the ſhyre of Caithnes read & ordered to ly on the table.

ORDERED that unleſs the Earle of Forſars answers to the petition of the Marques of Dowglas be given in the nixt sitting of Parliament the desyre of the petition be granted.

THE action for Remeid of Law at the inſtance of the Laird of Powrie against the Lord Gray called and debated by the Advocats for either pairty at full length In advyseing of which debate it being moved That the Lords of Seſsion ſhould be declyned to judge in the cauſe as having pronunced the decreet in question It was put to the vote If the Lords of Seſsion who were members of Parliament could be declyned in the cauſe Yea, or No, And carried No. It was then moved That in order to the decision the vote might be stated in theſe terms viz. If the Aſsyſe fiſh lybelled fell under the disposition & clauſe of warrandice in favours of Powrie Yea or No. And it being moved thereafter that the vote might rather be stated in the words Adhere &c. or

Alter the decreet It was put to the vote Whither the Firſt or the Second state should be voted and carried the Second.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Thursday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 17, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE warrand for citeing the Earle of Forfar conform to the petition of the Marques of Douglas granted.

THE consideration of the cauſe perſewed be the Laird of Powry againſt the Lord Gray being reſumed, the decreet of the Lords of Seſsion was read and the vote ſtated Adhere or Alter the decreet, carried Adhere.

PETITION for the Earle of Melvill for changing the high way about Melvill houſe in favours of his planting and incloſures read and the deſyre thereof granted, and the new way ordained to be made at ſight of the Juſtices of Peace for the ſhire of Fyfe.

THE Act formerly offered in favours of the burgh of Glaſgow read.

RESOLVED that theſe Acts that are offered in favours of particular burghs be considered the firſt ſitting of Parliament for privat buſsineſs.

PETITION by William Cochran of Fergusſlie for ane abaitment of his tack dewty of the Pole tax read and ordered to lye on the table untill the Committie for inſpecting the publick accompts be named.

PETITION by Captain Boſwell and other officers and ſeamen who ſerved on board her Majesties ſhip the Royall Mary complaining of abuſe of the publick faith by the ſaid William Cochran in keeping up their pay and anent ſome of their Arrears read and he ordained peremptorly to make anſwer thereto the nixt ſitting of Parliament for privat affairs.

RESOLVED that the petition for the Laird of Moriſtoun be considered the firſt ſitting of Parliament for privat affairs.

A WARRAND granted upon a petition offered by John Callender of Craigforth for citeing Maſter Alexander Heggins Advocat to inſiſt in his depending action for remeid of law againſt him and Maſter Heggins ordained to anſwer it the firſt ſitting of Parliament nixt week With certification &c.

THE conſideration of the Elections for the ſhyre of Weſt Lothian reſumed and the objection and reply against John Hamiltoun of Grange inſiſted in, After advyſeing the ſame, and the anſwers and duplyes made thereto with the wryts produced for inſtructing thereof, the vote was ſtated, Suſtain or Repell the objections and carried Suſtain, The objection againſt George Dallas of Parkley that he inſtructed not his right to fourty ſhilling Land of old extent, diſtinct from the few dewties, nor to Lands lyable in publick burdens for four hundred pounds of valued rent, And the anſwer being considered with ane extract from the valuation books of the ſhire bearing the Lands to be valued to four hundred and two pounds, the objection was repelled without a vote The objection againſt Maſter Thomas Rig of Rigland that he was but ane adjudger not in poſſeſsion, the Lady Cardroſs being in poſſeſsion of the Lands and uplifting the rents And the anſwers being considered with the inſtructions the objection was ſuſtained without a vote.

THE Lord Chancellor by order from her Majeſties High Commiſsioner Adjourned the Parliament till Saturday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 19, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

MOVED that the Minut for the ſeventh current, anent the Act Ratifieing the turning the Meeting of the Eſtates into a Parliament be amended as to ane omiſsion which happened at the reading thereof, And thereupon ordered that the clauſe of that Act Declairing it high treaſon to quarrell impugn or endeavour, by wryteing malicious and advyſed ſpeaking or other open act or deed, to alter or innovat the Claim of Right or any article thereof, be inſert at full length in the ſaid Minut, and that it be reprinted accordingly.

THE contraverted Elections for Weſt Lothian being again called, Sir Walter Pringle as Advocat for Lieutennant Generall Ramſay paſt from the objection againſt Sir John Houſtoun of that Ilk And the objections againſt the Electors of the Lieutennant Generall being inſiſted in he paſt from the vote of Patrick Dundas of Prieſtmilne The objection considered againſt Robert Brown of Colſtoun, that he was only a ſingular ſucceſsor in a ſuperioritie and not in poſſeſsion, with the Anſwer that being infeft as ſuperior, his vaſsals poſſeſsion ought in law to be accounted as his poſſeſsion, The vote was ſtated Suſtaine or Repell the objection and carried Repell, The objection againſt Andrew Paterſon of Kirktoun that he ſtood not infeft in a fourtie ſhilling Land of old extent, nor in a Land of 400 pounds valuation being considered with the anſwer that he was infeft and in poſſeſsion of more than a third part of the Barrony of Bathgate, which was retoured as a ten merk Land of old extent, Upon Advyſeing the inſtructions of the Anſwer The objection was ſuſtained without a vote The objection againſt John Binnie of Drumcroſs that he ſtood not infeft in a Fourtie ſhilling Land, And the Anſwer that he was infeft and in poſſeſsion of more than a third part of the ten merk land of Drumcroſs, The old extent of which was offered to be inſtructed by an extract of the Taxt Roll in the year 1613, And it being replyed that he could not have a third part of the ſaid ten merk Land, the haill being valued to a thouſand and pounds and his Lands only to two hundreth and ſixtie pounds, And duplyed that the thouſand and odd pounds valuation comprehended ane other Drumcroſs, which was a part of the Barrony of Barbachly, and no part of that Drumcroſs recorded as a ten merk Land in the Taxt Rolls, parties procurators were ordained to inform thereanent againſt the nixt ſitting of Parliament.

RESOLVED that the Act for Security of the Kingdome be farder considered the nixt ſitting of Parliament before any other buſsineſs whatſoever, And then that the remaining objections at the Election for Weſt Lothian be diſcuſt.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 22, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

ORDERED that all wryts to be founded upon for aither pairtie or voter in the competing Elections for Weſt Lothian be given to the Clerk of the Competition betwixt and ten a clock to morrow to the end aither parties procurators may have inſpection thereof before the nixt ſitting of Parliament With certification that the ſaid contraverted Election ſhall be then determined peremptorie.

THERE being four ſeverall Overtures in form of Acts for ſecurity of the Kingdome preſented and read, Her Majeſties ſolicitors were allowed to cauſe print theſe Overtures that Copies thereof might be delyvered before Thurſday nixt at ten a clock for the information of the members.

THE Act anent Leeſing makers and ſlanderers read and ordered to be marked a firſt reading.

THE Draught of an Act and Commiſsion of Parliament for inſpecting the publick Accompts preſented and read.

OVERTURE in form of ane Act for the more effectuall payment of the Drawback of Cuſtomes impoſed upon exported victuall preſented and read.

THE draught of ane Act anent Copper Coyn read.

THE draught of ane Act anent Coalgiérs read.

AGREED that the two Actions for remeid of Law, the one at the inſtance of Robert Hepburn againſt George Suty, and the other at the inſtance of John Callender againſt Maſter Alexander Heggins, be heard nixt ſitting of Parliament for privat buſsines.

ANE other draught of ane Act for a Commiſsion to Examine the publick Accompts read.

THE draught of ane Act in favours of the Inhabitants of the Iſles of Orknay and Zetland read.

THE draught of ane Act on the report of a Committie for makeing up the tenor of burnt writs in favours of Anna Cockburn read and ordered to be marked a firſt reading.

THE Petition for the burgh of Lanerk read again, And the petitioners ordained to condeſcend on the Cuſtoms related to in the Petition.

OVERTURE in form of an Act anent the alimenting priſoners for debt, and ane other for Exportation of Pork, and a third for preventing the diſloyall Cureing of ſalmond preſented and ordered to be read the nixt ſitting of Parliament.

AGREED that the Overtures prepared by the Laird of Stonywood for improveing Woollen Manufactories be read the nixt ſitting of Parliament.

THE Act prohibiting Butchers to be Graſiers read againe and ordered to be marked a firſt reading.

ANE Overture for exporting ſheep ſkins and lamb ſkins read and ordered to lye on the table.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 24, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE condeſcendence of the Cuſtom mentioned in the Petition for the burgh of Lanerk given in.

THE contraverted Elections for Weſt Lothian being called, and the objection againſt the vote of John Binning of Drumcroſs inſiſted in, The Advocats for both pairties were heard thereon, and the writs produced to verifie their reſpective alleadgeances conſidered, And then the vote ſtated Suſtain or Repell the objection, carried Sustain, After which Thomas Sharp of Houſtoun, being found legally elected, took the oath of alleadgeance and oath of Parliament, and ſubſcribed the alleadgeance and aſsurance.

ORDERED that the Earle Mariſhall and ſuch Members of Parliament as ſhall pleaſe to attend him, Doe meet in the Parliament houſe at eleven a clock in the forenoon the firſt day of intervall of Parliament and conſider how the houſe may be beſt fitted for the accommodation of the members, and make a report thereanent the nixt ſitting of Parliament.

ANE Overture in form of an Act Reſcinding the thirteenth article of the Regulations 1695 read and ordered to ly on the table.

PETITION for the burgh of Culroſs relateing to the ſtent of the ſaid burgh read and ordered to ly on the table.

PETITION for the Heretors in the ſhyres of Inverneſs and Roſs againſt Duncan Forbeſs of Culloden relateing to the Excyſe of Aquavity browen within his Lands of Ferrintoſh, read, and he ordained to ſee and anſwer the Petition the ſecond day the Parliament ſhall ſit nixt week.

MOVED that the objection against James Sinclare of Stempſter as Commiſsioner for the ſhyre of Caithneſs might be considered, and thereupon the Advocats for the objectors & for him being called, It was alleadged for Stempſter, that the objection could not be receaved unleſs there were ſome freeholders from that ſhyre preſent to inſiſt in it or ſome legall mandat from a party haveing intereſt for that effect, And there being a miſsive Letter from Sir William Dunbar of Hemprigs ane of the freeholders to Maſter Robert Fraſer produced and read giveing him warrand to inſiſt in the objection, and ane order alleadged upon from the Minuts of the fifteenth ordaineing Stempſter to produce the writs for inſtructing his freehold, the Advocats for Stempſter craved to ſee the miſsive Letter, till the nixt ſitting of Parliament, Whereupon the vote was ſtated Proceed or Delay and carried Delay.

RESOLVED that the Parliament proceed to diſcuſs the remayning contraverted Elections at their firſt ſitting, And the next thereafter proceed to conſider the Act for ſecurity of the kingdome.

ORDERED that all the Acts marked a firſt reading be printed.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Saturday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 26, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

AGREED that the action at the Laird of Moriſtouns instance against Sir James Cockburne be firſt heard, the firſt day the Parliament shall proceed upon privat buſineſs.

RESOLVED that the Earle Marischalls report anent the fitting of the house for the better accommodation of the Members be taken the next sitting of Parliament.

ORDERED upon a complaint againſt one Mr Seaton Ensigne in the foot guards that he and the witneſses present at his alledged challenging Sir Robert Dicksone of Inverask and David Sutherland of Kinnald for voteing against the Lieutennent Generall Ramsay in decyding the debateable elections of West Lothian be cited to compear the next sitting of Parliament peremptorie.

THE Petition for the burgh of Lanerk with the condescendence of the Customs to which it refers read and ordered to be read again the next sitting of Parliament.

OVERTURE in form of an Act for makeing the Elections of Commiſsioners to Parliament in the severall Shyres and Stewartries yearly at the Michaelmeſs head Courts read and ordered to lye on the table.

THE objection against James Sinclair of Stempster Commiſsioner for the shyre of Caithneſs considered and the instrument taken thereupon at his election read And the Advocats for and against him being called and heard the Ansuer founded on the defects of a mandat was insisted in viz. That the Letter was not formally dated wanting the place at which it was subscribed nor mentioned the name of any Mandatare who should be lyable in the penalty of Law in caice he succumbed in the objection, howbeit both a place and a name be written upon the Letter And that his right was a Charter and Sasine upon an Adjudication in the person of his father, disponed to his elder brother with a provision of substitution to him By vertue whereof he being in poſſeſsion as heir to his brother had right to Elect and be Elected And it being replyed that the Letter was both sufficiently dated and directed to Mr Robert Fraser, who sisted himselfe lyable for the penalty in the termes of the Act 1681, And that the apparancie in this cafe (supposing the poſſeſsion) could give no such right being only heir or appearand heir to a brother who himſelfe was only a singular succeſsor in the Adjudication and never infeft in the Lands adjudged, So that he was neither apparent heir to a freeholder infeft nor infeft himself on the singular title After advysing the vote was stated, Sustain the Commiſsion or Remit to the Shyre to Elect ane other And carried Remit.

THE contraverted Elections for the Stewartrie of Orknay called And the Advocats for either pairtie being heard The objection was made againſt the Elections of Sir Archbald Stewart of Burray and Alexr Douglaſs of Egleſhaw That there was no legall Intimation for certiorating the freeholders And it being ansuered That the Election was made at the Michaelmeſs head Court and so needed no previous Intimation And replyed That there was never a Michaelmeſs head Court held in Orknay And duplyed That the Act of Parliament appoynting the Annuall Elections at the Michaelmes Court was sufficient both for a warrand and intimation of the present Election, And triplyed That the constant custom of Orknay was to hold the first Court after Michaelmeſs on the second day of November And therefore this Election being at Michaelmes, cannot be understood to have been at the Michaelmes head Court And quadruplyed That the Act of Parliament makes the Michaelmes head Court to be the first Court after Michaelmes day And this Election haveing bein made upon Michaelmes day must be understood to have been as it ought in Law to be the first Court after Michaelmes, The minuts of the Court of Election, and the instruments and protestations taken thereat with a protestation taken thereafter against the Clerk of the Court were then read, And the vote stated Sustain or Repell the objection And carried Repell, After which Sir William Craigie of Gairsie and Henry Grahame of Braicknes haveing withdrawen their Commiſsions and offering to object against Eagleshaw as being incapable to Elect or be Elected, And there being no further objection against Sir Archbald Stewart he was admitted as legally elected and took the oath of alleadgeance and oath of Parliament and subscribed the alleadgeance and aſsurance accordingly.

THE Lord Chancellor by order of Her Majesties High Commiſsioner, Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 29, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

RESOLVED that the remaining contraverted Elections as well that of the Laird of Egleshaw for the Stewartry of Orkney as these for the Brughs of Haddingtoune, Kirkaldie and Aberbrothock be determined immediatly after adjusting the Act for security of the Kingdome without the interveening of any other affair whatsoever.

THE complaint against Ensigne Seaton being called he was brought to the barr And the names of the witneſses adduced for proving the grounds of the Complaint with the Interrogators whereupon they were to be examined read in his hearing After which the witneſses were called and deponed And the Complaint being found not proven by their teſtimonys the Ensigne was absolved.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

June 30, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the Lord Belheaven and Sir Alexander Ogilvie both in custody by order of the Lord High Constable being read wherein they acknowledged their fault, by unbecomeing expreſsions, and other undewtifull behaviour in the house And intreated Her Majesties High Commiſsioner and the Estates might be pleaſed to pardon their offence and that they might be reponed to their seats as members of Parliament, Her Majeſties High Commiſsioner ſignified from the throne, that since the petitioners had made such humble submiſsion and given such satiſfaction for their offences, He would not ſtand in the way of what favour the Estates might incline to ſhew them, Whereupon the Lord High Conſtable was ordered to cauſe the officer of his Guard to bring the petitioners before Parliament, And they being accordingly

brought to the bar, and creaveing pardon of his Grace and the Estates for their offence in the termes of their Petition, the defyre thereof was granted.

PETITION by Sir Alexander Dalmahoy of that Ilk read and ordered to ly on the table till next fitting of Parliament.

THE Petition for the burgh of Lanerk read and the desyre thereof granted for nyneteen years from this date.

A WARRAND granted to Sir Gilbert Elliot for citeing the Minister and Heretors of the paroch of Aſhkirk to inſiſt in their action for remeid of law against him With certification.

THE Act for makeing up the tenor of burnt writs in favours of Anna Cockburn read a ſecond time then put to the vote and approven.

THE Act anent Leeſing makers and ſlanderers being read a ſecond time with the ſeverall Acts of Parliament to which it refers was after reaſoning upon ſome of theſe Acts put to the vote and approven.

ORDERED that a book publiſhed by the title of Historia Anglo-Scotica, by James Drake M. D. and dedicated to Sir Edward Symour containing many falſe and injurious reflections upon the ſoveraignity and independency of this Crown and Nation, be burnt by the hand of the common hangman at the mercat Croſs of Edinburgh, at eleven a clock to morrow, And the Magiſtrats of Edinburgh appoynted to ſee the order punctually executed.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 1, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt being read The Earle Mariſchall proteſted that what is mentioned in theſe Minuts relateing to the exerciſe of the Lord High Constables office, might not prejudge his right as Earle Mariſchall, ſince he had the jurisdiction, as to delinquencies committed within the doors of the houſe conform to his ancient rights, and although his wryts were not now at hand, to inſtruct his right, he would not fail in due time to clear both his right and poſſeſsion, whereupon the Earle of Erroll proteſted his right and poſſeſsion might remayne intire, and not be interrupted by ſuch a proteſtation founded upon the production of no right nor document to inſtruct the Earle Mariſchalls ever haveing poſſeſsed any ſuch juriſdiction.

THE Act for ſecurity of the Kingdome being read, It was agreed that the Act ſhould be conſidered, paragraph by paragraph, And the firſt paragraph being accordingly read, the farder conſideration of the Act was continued till the nixt fitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commiſsioner, Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 2, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE conſideration of the Act for ſecurity being reſumed the vote was stated If the Parliament ſhould firſt Conſider of the Meeting of the Estates or where the Government ſhould be lodged, dureing the intervall before their meeting, And carried that the meeting of the Eſtates ſhould be first conſidered, And there being ſome progreſs made therein, the farder conſideration of the Act was continued till the next fitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 5, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for Security of the kingdom farder conſidered and a clauſe added excluding Papiſts from being members of the Meeting of the Estates mentioned in the Act And after long reaſoning upon some other motions & amendments the conſideration thereof was continued till the nixt fitting of Parliament.

THE Lord Chancellor by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 6, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE conſideration of the Act for ſecurity being reſumed a clauſe was offered in wryteing that no Engliſh man nor forraigner, haveing a Scots title and not haveing ane Eſtate of tuelve thouſand pounds yearly rent within this Kingdome, ſhall in the event foreſaid have place and vote in the Meeting of Eſtates, And after reaſoning thereon The vote was ſtated, Add the clauſe or Not, But before aſking the vote the Marqueſs of Athole Lord Privie Seal proteſted in behalf of himſelf and all other Proteſtant Peers who ſhall adhere to his proteſtation, That the Exeludeing of the Engliſh, who are Scots Peers from ſitting and voteing at the Meeting of the Eſtates, after Her Majeſties deceaſs ſhall not be a preparative or be any wayes prejudiciall to the undoubted right of all Scots Proteſtant Peers their ſitting and voteing in all Parliaments and Conventions in tyme comeing, And accordingly, the Earles of Erroll, Mariſchall, Mar, Mortoun and Sir David Cuninghame in name of the Earle of Glencairn abſent, the Earles of Home, Strathmore, Kelly, Lauderdale, Aberdeen, Dunmoir and Ruglen, the Lord Secretary of State and Viſcount of Stormount adhered to the proteſtation, And thereafter the Marqueſs of Anandale Lord Preſident of the Counſell, the Duke of Argyle & the Earl of Kincarden proteſted that the vote might not be prejudiciall to the priviledges of the Peers of Scotland, whither they be Scotsmen or Engliſh or to their peerage in any ſort Then the vote was aſked and Carried in the affirmative.

MOVED that an oath be infert in the Act to be taken by the members of the Meeting of Eſtates, And accordingly the form of ane oath was prefented in wryteing to mantain the true Reformed Religion and the Claim of Right, which being read and conſidered After debate the vote was ſtated Proceed or Delay and carried Proceed, And then after ſome farder debate, It was Agreed that nothing ſhall be moved concerning an oath to be infert in this Act untill all the other clauſes of the Act be adjuſted.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 7, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity proceeded in, and a farder clauſe being read, It was moved that ſuch Limitations as ſhall be thought neceſsarie to be put upon the ſucceſsor might be conſidered & after ſome reaſoning anent theſe Limitations in generall, there was a particular clauſe offered in writeing, That this Kingdom ſhall not be engadged in any war, or continue in the ſame, but by advyce and conſent of Parliament, and that all treaties wherein this Nation may be concerned, be manadged and tranſacted by natives thereof commiſsionat and inſtructed by advyce and conſent of Parliament or Privie Counſell, in the intervall of Parliament, and accountable thereto After reading whereof, and a long debate thereupon The vote was firſt ſtated in theſe words, Inſert any Limitations upon the ſucceſsor in this Act Yea or No, And being thereafter ſtated in theſe words, Add the clauſe anent peace or war in this Act, Yea or No, The vote was aſked, Whither the Firſt ſtate, or the Second ſtate ſhould be voted And carried that the Firſt ſtate ſhould be voted, Which firſt ſtate being then put to the vote It carried in the negative.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 9, 1703.

PRAYERS ſaid The Rolls called.

James Hamilton of Aikenhead as ane of the Commiſsioners for the Shyre of Lanerk, took the oath of alleadgeance to her Majeſtie and oath of Parliament and ſubſcribed the alleadgeance and aſsurance.

THE Minuts of the laſt Sederunt read.

MOVED that there be a reſolve of Parliament that after the Act for ſecurity of the Kingdom is adjuſted and voted, and the contraverted Elections mentioned in the former reſolve are conſidered, the Parliament will take into conſideration and determine a Motion now lying upon the table concerning the power of makeing peace and war, preferable to all other matters and motions, nothing to interveen, And after debate The vote was ſtated in theſe words, Reſolve or Not, And thereafter ſtated in theſe words, Make the reſolve, or Proceed upon the Act, And the queſtion put Whither the Firſt ſtate or the Second ſhould be voted, It carried that the Firſt ſtate ſhould be voted, Then the queſtion put, Reſolve or Not was Carried in the affirmative.

THE Act for ſecurity farder proceeded in, and ſome clauſes being added, It was conſidered if the heir of her Majeſties body, or the ſucceſsor declared were in under age, how long in that caſe, a Regencie ſhould continue, And after reaſoning upon the queſtion, If it ſhould terminate when the heir or ſucceſsor attained the age of ſeventeen years compleat or ſhould continue untill their age of tuentie one years compleat The vote was ſtated Seventeen or Tuentie One, and carried Seventeen years compleat.

THE Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 12, 1703.

PRAYERS ſaid The Rolls called.

THE Lord Blantyre took the oath of alleadgeance to Her Majeſtie and oath of Parliament, and ſubſcribed the alleadgeance and aſsurance.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity farder proceeded in, and the time and manner of the Regencie to be ſettled by the Meeting of the Eſtates, in the events provyded for in the Act being conſidered, It was moved that the time during which the Regent or Regents to be named by the Eſtates were to continue might be determined, And the queſtion being put, If that time ſhould be now determined or Remitted to the Meeting of the Eſtates The vote was accordingly ſtated, Determine or Remit And carried Remit, After which ſome other clauſes of the Act were adjuſted.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Wednesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 14, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity proceeded in And it being moved that the clauſe impowering the Meeting of the Eſtates to declare a ſucceſsor to the Crown of the Royall Line, and of the Proteſtant Religion might receave the Addition of theſe words viz. of the true Proteſtant Religion as by Law eſtabliſhed within this Kingdome It was alſo moved, That the matter being of ſuch import, the conſideration of that part of the clauſe might be delayed till the nixt Sederunt, Whereupon the vote was ſtated, Proceed or Delay and carried Proceed, After which the queſtion being firſt ſtated, Add to the clauſe or Not, It was moved that the ſtate might rather be, Add theſe words to the clauſe, or Reſt upon the ſecurity by the Coronation oath, And the vote being aſked, Whither the Firſt ſtate or the Second ſtate ſhould be voted Carried that the Second ſtate ſhould be voted Then the vote was aſked in theſe terms Add to the clauſe or Reſt upon the ſecurity by the Coronation oath, And carried Reſt upon the ſecurity by the Coronation oath.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 16, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

PETITION of the Lady Edinglaſsie againſt the Laird of Powrie preſented and ordered to ly on the table till nixt ſitting of Parliament.

THE Act for ſecurity proceeded in, and a clauſe offered in write provydeing the ſucceſsor to be named by the Meeting of the Eſtates (in the event mentioned in the Act) be not the ſucceſsor to the Crown of England, unleſs that in this Seſsion of Parliament there be ſuch conditions of Government ſettled and enacted as may ſecure the Honor and Independencie of the Crown of this Kingdome, the Freedome Frequencie and Power of the Parliament, and the Religion, Libertie and Trade of the Nation from the Engliſh or any Forraigne Influence, And upon debate if the clauſe ſhould be added to the Act, The vote was ſtated Proceed farder on the conſideration of this clauſe in this Act Yea or No, And carried Proceed. And accordingly after ſome farder conſideration of the clauſe The Lord Chancellor declared that the matter not being ripe for a vote and that it was now late it might be Marked in the Minuts, that the Parliament ſhould reſume the farder conſideration of the clauſe before any other buſsineſs nixt Sederunt And then by order of her Majesties High Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 20, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

MOVED by some Lords & other members That the proteſt taken on Fryday laſt againſt the Adjournment of the Parliament as a breach of priviledge & interruption of their reasoning may be marked in the Minuts It was declared by the Lord Chancellor that there was no manner of designe by that Adjournment to incroach upon the priviledges of Parliament But it being then late and sundry of the members preſsing for a delay the Adjournment followed But it was expreſsly declared that the debate was to be resumed the nixt dyet of Parliament Upon which declaration the saids Lords and other members rested satisfied and declared they had no other intention in useing that proteſtation but singly for conservation of the priviledge of Parliament Whereupon the Parliament resolved to proceed where they left.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 21, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

A WARRAND granted on the Petition of the Lady Edinglaſsie for citeing the Laird of Pourie to inſiſt in his action for remeid of law againſt her with the uſuall certification.

THE Act for ſecurity proceeded in, And the clauſe offered in write and proceeded upon the former Sederunt being farder conſidered a new clauſe was offered, Provydeing that after her Majeſties deceaſs, without heirs of her body, the ſame perſon ſhall in no event be capable to be King or Queen of both Kingdoms of Scotland and England, unleſs a free Communication of Trade, the freedome of Navigation, and the liberty of the Plantations be fully agreed to, and eſtabliſhed by the Parliament and Kingdome of England, in favours of the Kingdome and ſubjects of Scotland, at the ſight and to the ſatiſfaction of this or any enſewing Parliament of Scotland or the ſaid Meeting of the Eſtates, After reading whereof It was moved that the houſe might be regulate and the ſeverall members appoynted to take their proper ſeats, Whereupon the vote being ſtated Proceed in the Act, or to the Regulation of the houſe carried Proceed in the Act, And accordingly after long reaſoning on the two clauſes under deliberation, The queſtion was firſt ſtated Add both clauſes to the Act, Yea or No, And being thereafter ſtated Proceed or Delay, The vote was aſked, Whither the Firſt ſtate or the Second ſhould be put to the vote; And carried that the Second state ſhould be put to the vote Then the queſtion being voted Proceed or Delay It carried Delay.

THE Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 23, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecuritie proceeded in, And a clauſe offered comprehending both the clauſes which were formerly under conſideration, And there being ane other Draught offered of the ſame clauſe with ſome alteration, After much debate upon these clauſes the vote was at length ſtated Proceed or Delay and carried Delay.

THE Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 26, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity proceeded in, And the Draughts of the tuo clauſes offered the former Sederunt given in by the reſpective members with ſome variation, And it being moved That the queſtion might be stated, Whither the Firſt or the Second clauſe of theſe tuo ſhould be conſidered, After ſome debate, The vote was accordingly ſtated Firſt or Second, And Carried that the Firſt clauſe ſhould be conſidered, Whereupon an Amendment being offered to the firſt part of the clauſe, It was agreed to without a vote, And an Amendment offered to the ſecond part of the clauſe being in lyke manner acquieſced to, the clauſe was adjuſted in the termes following viz. Provydeing allwayes that the ſame be not the ſucceſsor to the Crown of England, unleſs that in this preſent Seſsion of Parliament and any other Seſsion of this or any enſewing Parliament dureing her Majeſties Reigne, there be ſuch conditions of Government ſettled and enacted as may ſecure the

honour and foveraignity of this Crown and Kingdome the freedome frequency and power of Parliaments the Religion, Liberty, and the Trade of the Nation, from Engliſh or any forraigne influence, With power to the ſaid Meeting of Eſtates to add ſuch farder Conditions of Government as they ſhall think neceſsary the ſame being conſiſtent with and nowayes derogatory from thoſe which ſhall be enacted in this and any other Seſsion of Parliament during Her Majeſties Reigne And farder but prejudice of the generality foreſaid It is hereby ſpecially Statute Enacted and Declared that it ſhall not be in the power of the ſaid Meeting of Eſtates to name the ſucceſsor of the Crown of England to be ſucceſsor to the Imperiall Crown of this Realme, nor ſhall the ſame perſon be capable in any event to be King or Queen of both Realms, unleſs a free Communication of Trade the freedom of Navigation and the liberty of the Plantations be fully agreed to and eſtabliſhed by the Parliament and Kingdome of England to the Kingdome and ſubjects of Scotland at the ſight and to the ſatiſfaction of this or any enſewing Parliament of Scotland, or the ſaid Meeting of the Eſtates, And then the vote was ſtated Add the clauſe to the Act or No, But before aſking the vote, the Marques of Annandale Lord Preſident of the Privie Counſell, and the Duke of Argyle for themſelves and all that ſhould adhere to them, Declared their diſsent to the clauſe and thereupon took Inſtruments Deſyreing their diſsent ſhould be marked, To which diſsent the Earles of Crawfurd, Lauderdale, Leven, Kintore, Melvill and Hyndford, the Lords Elphingſtoun and Roſs, the Laird of Preſtoungrange, Sir Gilbert Elliot, the Laird of Cavers, Maſter Francis Montgomery, Sir James Campbell, Sir Patrick Johnſtoun, Walter Stewart of Pardovan and Hugh Montgomery, adhered.

THE Viſcount of Tarbat Lord Secretary in lykemanner Declared his diſsent from the clauſe in ſo far as it might derogate from the freedom and priviledges of Parliaments or Meetings of the Eſtates in their legal eſtabliſhed conſtitution by the Laws of the Kingdome, And the vote being thereafter aſked Add or No was Carried in the affirmative.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Wedneſday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 28, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity proceeded in, And a clauſe offered, Declareing that the Eſtates ſhould not nominate the ſucceſsor in the event contained in the Act dureing ſome dayes after their firſt meeting, Which being conſidered The queſtion was firſt ſtated, If the number of theſe dayes ſhould be Tuentie, or Thirty, And thereafter it being moved, that the queſtion might rather be ſtated, If the dayes ſhould be Thirty or Sixtie The vote was aſked Whither the Firſt ſtate or the Second ſhould be put to the vote And carried that the Firſt ſtate ſhould be put to the vote, Then the vote being aſked whither Tuentie or Thirty dayes, carried Tuenty; After which it was acquieſced to without a vote, that theſe tuentie dayes being elapſed the Eſtates ſhall proceed to make the ſaid nomination with all convenient dilligence.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 30, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

AN Act of the Commiſsion of the Generall Aſsembly for a day of faſting and humiliation over the Kingdome offered and read, Appointing application to be made to the Parliament for adhibiteing the Civill ſanction thereto, And accordingly the Draught of an Ordinance of Parliament Appoynting the ſaid Faſt to be obſerved the laſt Thurſday of Auguſt nixt was given in and read and agreed to without a vote.

THE Act for ſecurity proceeded in and a clauſe offered declareing it high treaſon to adminiſtrat the Coronation oath, or be witneſs to the adminiſtrating thereof but by appointment of the Eſtates of Parliament in manner mentioned in the Act, or to Own or Acknowledge any perſon as King or Queen of this realme in the respective events mentioned in the clauſe untill they have Sworn the Coronation oath, and Accepted the Crown on the termes of the Claim of Right, and the other conditions to be ſettled in this or any enſewing Parliament, or added in the ſaid Meeting of the Eſtates, and be thereupon declaired and admitted as above, Which clauſe was acquieſced to, But it being moved that there be a clauſe declareing the ſaid crime irremiſsible without conſent of Parliament The vote was ſtated If that clauſe ſhould be added Yea or No and Carried in the affirmative.

IT was then conſidered Whither the Government ſhould be lodged for the intervall of time betwixt the deceas of the Soveraign and the elapſing of the nixt tuenty dayes thereafter in ſuch members of the Eſtates as ſhould happen to be in Edinburgh or come to it for the tyme, Or in the Privie Counſell of the then laſt deceased King or Queen, And the vote firſt ſtated, Whither in the Eſtates or in the Privy Counſell, And being thereafter ſtated, Whither in the Eſtates joyntly with the Counſell or in the Eſtates alone, The Marques of Montroſe proteſted for himſelf and in name and behalf of all the Peers of this Kingdome, who ſhould adhere to his Proteſtation that no vote to be paſt ſhall in any manner of way prejudge the faids Peers in their native and undoubted right, And diſsented from the preſent vote in ſo far as it might derogate thereto And thereupon aſked inſtruments Which Proteſtation was adhered to by his Grace the Duke of Hamiltoun, the Marques of Tweeddale, the Earles Mariſchall, Rothes, Buchan, Home, Strathmore, Roxburgh, Haddingtoun, Selkirk, Ruglen, and Marchmont, the Viſcounts of Stormont and Teviot, and the Lords Blantyre, Beilhaven, Colvill and Kinnaird. Robert Dundas of Arniſtoun proteſted for himſelf and in name of the Barrons and freeholders of Midlothian, whom he had the honour to repreſent, and in behalfe of any other ſhyre of this Kingdome whoſe repreſentatives ſhall think fit to adhere to his Proteſtation that no clauſe to be voted and inſert in the Act for ſecuritie of the Kingdome ſhall in any manner of way prejudge the legall and undoubted right and priviledge of the ſaid ſhyre or their lawfull repreſentatives And diſsented from the preſent vote in ſo far as it might derogate to the ſaid right & priviledge of the Commiſsioners for ſhyres, Whereupon he aſked inſtruments Which Proteſtation was lykewayes adhered to by Sir Robert Dickſon of Inuerask, the Laird of Carnwath, Sir John Lauder of Fountainhall, the Laird of Saltoun, the Laird of Dirltoun, Sir Robert Sinclare, Sir John Home, Sir John Swintoun, Sir Patrick Home, Sir William Kerr of Greenhead, William Bennet younger of Grubbit, the Laird of Lamingtoun, the Laird of Jerviſwood, the Laird of Stevenſon younger, the Laird of Aickenhead, Maſter William Cochran of Kilmaronock, Sir Humphray Colquhoun of Luſs, John Grahame of Killearn, James Grahame of Buchlyvie, Robert Rollo of Powhouſe, Thomas Sharp of Houſtoun, John Hadden of Glenegies, Sir Patrick Mur-

ray of Auchtertyre, William Oliphant of Gask, Mungo Grahame of Gorthie, Sir Thomas Burnet of Leyes, Alexander Gordon of Pitlurg, William Seaton of Pitmedden, James More of Stonywood, the Lairds of Grant elder and younger, the Laird of Kilravock, the Laird of Balfour, Major Henry Balfour of Dunboig, Robert Douglafs of Strathhendry, Maſter James Carnegie of Phinheaven, James Haliburton of Pitcurr, David Graham of Fintry, Alexander Duff of Bracco, Sir George Sinclare of Clyth, the Laird of Brody, Robert Dunbar of Grangehill and John Bruce of Kinroſs. Alexander Watſon of Aitherny Commiſsioner for the burgh of Sant Andrews proteſted for himſelf and in name of all the Burghs of this Kingdome whoſe repreſentatives ſhall adhere to his proteſtation That no ſuch vote or act ſhould prejudge the ſaid burghs of their juſt and legal title and priviledge and diſsented from the preſent vote in ſo far as it might derogate to the ſaid legal right title and priviledge of the Commiſsioners for burghs and thereupon he took inſtruments Which proteſtation was adhered to by Alexander Robertſon, Patrick Bruce, Sir John Areſkin, James Spitle, Alexander Duff, Francis Mollifon, Sir Andrew Home, Sir James Hacket, George Smith, Robert Kellie, Maſter John Lyon, George Brody of Aſliſk, George Home, Mr James Bethun and Maſter Alexander Arbuthnot, After which proteſtations The vote was aſked Whither the firſt or the ſecond ſtate ſhould be voted And carried that the ſecond ſtate ſhould be voted Then the vote was aſked Whither in the Eſtates joyntly with the Counſell or in the Eſtates alone and Carried in the Eſtates joyntly with the Counſell.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 2, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Lord High Commiſsioner ſignified to the Eſtates that in regard a great many of the Commiſsioners from the Royal Burghs were to meet in the Convention of Burghs this week at the Burgh of Glaſgow he thought fit to Adjourne the Parliament for ſome days & accordingly the Lord Chancellor by order of the Lord High Commiſsioner Adjourned the Parliament till Saturday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 7, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE clauſe ſettling the Adminiſtration for the intervall of the twenty dayes nixt following the death of the Soveraigne being farder considered and adjuſted An additional clauſe was offered bearing Thirty of the ſaid members of the Eſtates and members of the former Counſell to be a quorum, the plurality being alwiſe of the Eſtates, who were not of the former Counſell And thereupon the vote ſtated Add the ſaid clauſe or No, But before aſking the vote, the Earle of Marr protested for himſelf and all who ſhould adhere to his proteſtation that this vote might not prejudge the Peers of their birthright by ſecluding them from ſitting at any time amongſt the members of Eſtates and Counſellers that are to meet dureing the intervall becauſe of their being members of the Privie Counſell that was at the Queens or Kings deceaſe and thereupon took inſtruments Which proteſtation was adhered to by the Marques of Annandale Lord Preſident of the Privie Counſell, the Marques of Atholl Lord Privie Seal, the Earles of Crawfurd, Mortoun, Glencairn, Eglintoun, Wigtoun, Kelly, Galloway, Finlator, Levin, Belcarras, Kintor, Dunmore, Melvill and Hyndfoord, the Lords Forbes, Elphingſtoun, Rollo and Bellenden.

THE Laird of Kilbirny in like manner proteſted for himſelf and all that ſhould adhere to his proteſtation againſt the clauſe as prejudicial to the priviledge of the ſtate of Barrons, and that it might not be drawn in conſequence as a precedent to the prejudice of that Eſtate and thereon took inſtruments Which proteſtation was adhered to by the Laird of Cavers, Maſter Francis Montgomery and Maſter William Dalrymple.

Sir Patrick Johnſtoun alſo protested that the vote might not prejudge the Proveſt of Edinburgh for the time he being uſually a Privie Counſeller and thereon he took inſtruments After which proteſtations the vote was aſked Add the clauſe or No, And carried in the affirmative.

MOVED that a clauſe be adjected ordaining that all Commiſsions granted to the Officers of State Lords of Theſaury and Exchequer, Preſident of the Privie Counſell and all other Civill Commiſsions that are now granted dureing pleaſure, ſhall by the deceaſs of the King or Queen reigning become null and voyd excepting Sheriffs Stewarts and Juſtices of the Peace in their respective bounds And after debate the queſtion was firſt ſtated Add the clauſe or No And being thereafter ſtated in theſe words, viz. Whither the Commiſsions of the Officers of State ſhall fall at the death of King or Queen or continue untill the Meeting of the Eſtates The vote was aſked Whither the firſt ſtate or the ſecond ſtate ſhould be voted And Carried that the firſt ſtate ſhould be voted Then the vote being aſked Add the clauſe or No was Carried in the affirmative.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 10, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for Security proceeded in, And a clauſe offered ordaining all Proteſtant Heretors and all burghs within the Kingdome furthwith to provyde themſelves with fyre armes for all the fencible men who are Proteſtants in their reſpective bounds of the bore proportioned to a bullet of fourteen drop weight running, And that the ſaid heretors and burghs diſcipline and exerciſe their ſaid fencible men once in the month at leaſt Upon which after long debate, The vote was ſtated Add the clauſe to the act or No And carried in the affirmative.

A CLAUSE then offered ordaining all Commiſsions of officers in the ſtanding forces above Captains to be null in the time and event mentioned in the clauſe And that all Captains and Lieutennents of companyes and troops which belonged to officers above Captains continue their ſeverall commands without extending the ſame farder than their companyes and troops till farder orders from the Eſtates or Committie in the intervall and requyreing all officers and ſouldiers in dayly pay at the ſaid time to continue in or repair to their quarters and gariſons, and not

to remove from thence but by order foreſaid, under the payne of treaſon, And there being another draught of the clauſe offered provydeing that in the ſaid event all officers haveing military Commiſsions and their Commiſsions and all ſouldiers of whatſoever degree ſhall be abſolutely at the diſpoſal, and under the ſubjection of the ſaid Committie in the intervall or of the Eſtates when once met and that no officer or ſouldier remove from their quarters where they ſhall be for the tyme without orders from the ſaid Committie or Eſtates or preſume to diſsobey the commands of the ſaid Committie or Eſtates, under the payne of treaſon The vote was ſtated after ſome debate, Add the firſt or the ſecond draught of the clauſe, And carried that the firſt draught of the clauſe ſhould be added.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 11, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for Security proceeded in and a clauſe offered to be adjected to the former clauſe for arming the fencible men, bearing that the ſaids Heretors ſhall take the oath of alleadgeance and aſsurance, As alſo appoynting ſuch Heretors or fencible men as are ſuſpect of popery when requyred to take the Formula, in the act one thouſand ſeven hundred and one years in preſence of the Sheriff or any other judge, within whoſe juriſdiction they reſide, which was agreed to without a vote, And thereafter a clauſe was ordained to be added, Reſcinding Caſsing and Annulling the ſeventeenth act of the Seſsion of Parliament one thouſand ſix hundred and nynetie ſix years, and all other Laws and Acts of Parliament in ſo far as they are inconſiſtent with this act, And thereupon It being moved that the ſecond act of the Parliament one thouſand ſix hundred and eightie one years, Aſserting the right of ſucceſsion might be expreſsly reſcinded, After debate the queſtion was at length put to the vote If the act one thouſand ſix hundred and eightie one years ſhould be reſcinded expreſsly or by the general clauſe, And carried that it ſhould not be reſcinded expreſsly but by the general clauſe Then the vote being aſked Proceed to approve the haill act or Delay carried Delay.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 13, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act for ſecurity read voted and approven.

PETITION by Alexander Lord Blantyre read intreating that his Grace her Majeſties High Commiſsioner and the Eſtates might accept of his Submiſsion and moſt humble Acknowledgement of the indecent and undutifull Expreſsions uttered by him in preſence of Her Majeſties Advocat againſt his Grace Her Majeſties High Commiſsioner contained in a ſubſcribed Complaint exhibited againſt him thereanent by her Majeſties Advocat for which he was in cuſtody by order of the Lord High Conſtable, Upon reading of which Petition the Lord High Conſtable was ordered to cauſe bring the petitioner to the houſe, that the Earle Mareſchall might cauſe bring him to the bar to the end he might there kneeling beg pardon of his Grace the Lord High Commiſsioner and the Eſtates for his ſaid offence to pay a fine of fyve thouſand pounds and to continue in cuſtody untill the fine be payed, or a valid bond given to the Cash-keepers for the payment thereof, And the Lord Blantyre being liſted at the bar the Lord Chancellor reſumed the order of Parliament, And by warrand of her Majeſties High Commiſsioner declaired that his Grace was pleaſed to diſpenſe with the petitioners makeing his acknowledgment kneeling, To which the Eſtates haveing agreed, The Lord Blantyre gave obedience to the reſt of the ſentence and was thereupon diſmiſsed and allowed to take his place.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 16, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

MOVED that the contraverted Elections not yet diſcuſsed be now determined And accordingly the objection againſt Alexander Douglas of Egleſhaw one of the Commiſsioners for the Stewartrie of Orkney was inſiſted in And after debate by the Advocats for and againſt him the objections being paſt frae he took the oath of alleadgeance and oath of Parliament and ſubſcribed the alleadgeance and aſsurance and was admitted accordingly.

THE competing Elections betwixt Alexander Edgar late Proveſt and William Maccall preſent Proveſt for the burgh of Haddingtoun being called and the Advocats for either partie heard, The Minuts of the Toun Court at the Election of Alexander Edgar were read And after ſome debate the vote ſtated Admit of Alexander Edgar as lawfully elected, Yea or No, was Carried in the affirmative And he thereupon took the oath of alleadgeance and oath of Parliament and ſubſcribed the alleadgeance and aſsurance and was admitted in lyke manner.

THEN the Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 17, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Lord Clerk Regiſter haveing informed the Parliament that Captain John Boſwell who Competed with James Oſwald as Commiſsioner for the burgh of Kirkaldie had taken up his Commiſsion James Oſwald took the oath of alleadgeance and oath of Parliament and ſubſcribed the alleadgeance and aſsurance and was admitted.

THE controverted Elections betwixt John Hutchefon prefent Proveft and Patrick Stephen late Proveft for the burgh of Aberbrothick being called The Advocats for either partie were heard and the feverall proteftations againft their refpective Elections being read After fome debate the vote was ftated Suftain the Commifsion in favours of Proveft Hutchefon or Remit to the burgh to make a new Election And carried suftain the Commifsion.

THE draught of the Act anent the makeing peace and war read and ordered to be marked a firft reading.

THE Lord Chancellor by order of her Majeflies High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 18, 1703.

PRAYERS faid The Rolls called.

THE Minuts of the laft Sederunt read.

THE Act anent peace and war farder confidered. And there being a clauſe offered declareing that the Act ſhould not be underſtood to impe the Soveraigne of this Kingdom to raiſe and imploy the ſubjects thereof for ſuppreſsing any inſurrection within the Kingdome or Repelling any Invaſion from abroad according to former Laws After reading thereof It was moved that the narratjve of the Act might be firſt conſidered And thereupon the vote was ſtated Whether the narrative or the clauſe ſhould be firſt conſidered And carried that the clauſe ſhould be firſt conſidered And then the clauſe being considered and amended was agreed to be added without a vote.

THE Lord Chancellor by order of Her Majesties High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 19, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act anent peace and war proceeded in, And ſeverall clauſes offered relateing to the manner of manadgeing treaties of peace, And there being an alteration offered adapting it to a clauſe leaving every thing relateing to treaties of peace allyance and commerce to the wiſdome of the Soveraigne with conſent of the Eſtates of Parliament, who ſhall declare the war After ſome debate the vote was ſtated Approve or Alter And carried Alter, Then another additionall clauſe being offered and read anent the bringing forces unto, or tranſporting forces furth of this Kingdome for forraigne ſervice without conſent of Parliament The conſideration thereof was delayed.

THE Lord Chancellor by order of Her Majesties High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 20, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

A WARRAND granted for Electing a new Commiſsioner in place of David Chryſtie deceased for the burgh of Dyſart on Monday nixt.

THE Act anent peace and war being read a ſecond time, the queſtion was ſtated Approve the Act or Not, and being put to the vote was Carried in the affirmative.

THE draught of an Act and Commiſsion for examineing the publick Accompts given in and read and ordered to be marked a firſt reading.

ANOTHER draught of an Act to the ſame purpoſe given in and read, and both theſe draughts ordained to be printed for information of the members.

AGREED that the number of the Commiſsioners be fyve of each ſtate and that no perſon who can be accomptable be choſen a member of the Commiſsion.

AN Overture by way of Act anent the qualifications of the members of Parliament read & given in and ordered to ly on the table.

THE Lord Chancellor by order of Her Majesties High Commifsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 23, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

MOVED that the members of the Commiſsion of Parliament for examineing the publick Accompts be choſen in plaine Parliament and not by the Eſtates ſeparatly, But after ſome debate thereupon It was acquieſced to that they ſhould be choſen by the Eſtates ſeparatly conform to the former cuſtome.

THE Draught of the ſaid Act and Commiſsion which had receaved a firſt reading read again And after ſeverall Amendments It was put to the vote and approven.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Wedneſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 25, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt read.

THEN the Eſtates ſeparated and chooſed fyve of each Eſtate to be Commiſsioners for examineing the publick Accompts, which were reported in Parliament as follows viz. the Earles of Galloway, Northeſk, Balcarras, and Dunmoir, and the Viſcount of

Stair for the nobility, Robert Dundas of Arniſtoun, Sir John Lauder of Fountainhall, John Halden of Glenegies, William Seatton of Pitmedden younger, and James Ogilvie of Boyn younger, for the Barrons, Collin Campbell, Maſter John Clerk, Maſter Dougall Stewart, Sir David Cunningham and Maſter Robert Frafer for the burghs.

AGREED that all members of Parliament may be preſent in the Commiſsion and after leave obtained may ſpeak their opinion upon any matter treated therein.

AN Overture being preſented in form of Act for the more effectual Execution of the Laws prohibiting the Importation of Iriſh victual It was moved that before the consideration of any ſuch Overture relateing to trade the Parliament might proceed to the conſideration of other Overtures for the furder ſecurity of the liberty of the Nation And after much debate the queſtion was at length ſtated If the Parliament ſhould proceed firſt to the conſideration of farder Overtures for ſecureing our Libertie Or of Overtures for trade And being put to the vote It carried Proceed to conſider Overtures for trade Whereupon ſeverall new Overtures, a Repreſentation, and Petition, with ſome Overtures for Acts formerly given in were read as follows viz. The act in favours of the Company tradeing to Africa and the Indies with ſeverall reaſons offered for paſsing thereof, Repreſentation in behalf of the Royall burghs anent the Communication of trade, with the Draught of the act to which it refers, The act for the more effectual execution of the Laws againſt Importing Iriſh victual with a clauſe to be added againſt Importing Iriſh horſe and cattle, Act for turning the Excyſe from the Liquor to Malt The Act anent the drawbacks for exported victual, The act for allowing the Exportation of Sheep and Lamb ſkins with wool on them, Act for encouradging of Coal and Salt works, Petition for Maſter George Campbell anent his new Invention to improve the makeing of Salt, Act anent planting and policy and lyming of Corn ground, The Act for delyvering meal by weight, Act for declareing this Kingdom a free port, and all ordered to ly on the table, And the members who preſented the ſeveral Overtures allowed each of them to print his Overture.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Fryday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 27, 1703.

PRAYERS ſaid The Rolls called.

George Eaſon Commiſsioner for Dyſart took the oath of alleadgeance and oath of Parliament and ſubſcribed the alleadgeance and aſsurance.

THE Minuts of the laſt Sederunt read.

THE Act in favours of the Company trading to Africa and the Indies read again and ordered to be marked a firſt reading.

THE Act in favours of the Royal burghs anent the Communication of trade again read and ordered to be marked a firſt reading.

THE Act for the more effectual execution of the Laws prohibiting the Importation of Iriſh victual with the clauſe anent Iriſh horſe and cattle read again and ordered to be marked a firſt reading, And that it be furthwith printed to the end it may be farder conſidered the ſecond meeting of Parliament nixt week.

THE Act continueing the prohibition of Exporting Engliſh and Iriſh wool till nixt Seſsion of Parliament read again and ordered to be marked a firſt reading And that it be lykewiſe printed in order to the farder conſideration thereof the ſaid ſecond meeting of Parliament nixt week.

THE Act allowing the Importation of Wines and forraign Liquors read again And thereupon after long debate the vote being aſked If the Act ſhould be Marked a firſt reading or Delayed, Carried that the Act ſhould be marked a firſt reading.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 30, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

ORDERED that the Lord Regiſter cauſe print an exact Liſt of all the members of Parliament as they ſtand in the Rolls, And that the Earle of Dunbar be inſert in his place according to the Decreet of Ranking in the year 1606.

THE Act in favours of the Company tradeing to Africa and the Indies, read voted and approven.

PETITION by Patrick Steell vintner read, And the ſummonds at his inſtance againſt his Creditors being called and none compearing there was protection granted him from perſonal execution for payment of all sums of money for year and day after this date.

RESOLVED that the Parliament will proceed to conſider privat buſsineſs the firſt meeting thereof nixt week as follows viz. The Action at the inſtance of Ker of Moriſtoun againſt Sir James Cockburn The Action at the inſtance of the Earle of Home againſt Sir Patrick Home, The Summonds at the inſtance of the Laird of Clackmannan againſt his Creditors And the other Petitions and Summonds lying before them as they ſhould be ready and inſiſted in.

THE Act anent the Draw backs for exported victual read and ordered to be marked a firſt reading.

THE Act anent the Communication of Trade being read again there was a draught of an Act offered and read Impoſeing a tenth part of the ordinary Ceſs payable by the Royall Burghs upon the ſhyres according to their ſeverall quotas of Ceſs to be proportioned by the Commiſsioners of Supply betwixt the burghs of Regality and Barrony and the land rent in the respective ſhyres which was ordered to ly on the table and allowed to be printed before nixt ſitting of Parliament.

THE Act prohibiting Butchers to be grafiers read again, And it being moved that the clauſe therein declareing all tacks of graſs already ſet to Butchers to become voyd for years to run after Whitſunday nixt unleſs the ſamen were tilled and ſowen with corn yearly The vote was aſked Approve or Reject the clauſe And carried Approve Then a clauſe was offered allowing all perſons to ſell butcher fleſh in all burghs of the Kingdom every lawfull day of the week paying only the petty Cuſtoms of the burgh And thereupon the vote being aſked Add the clauſe or Not Carried in the affirmative, After which the whole Act was read But before voteing thereof Sir Patrick Johnſtoun proteſted it

might not prejudge the priviledge of the Royall Burghs nor the rights of any Incorporation or perſons therein who are not heard before the paſsing of the act And thereupon aſked inſtruments Which proteſtation was adhered to by Robert Inglis Alexander Robertſon for Perth, John Scrimſeour for Dundie, John Allardyce for Aberdeen, Lieutennant Collonell John Erſkin for Stirling, Alexander Watſon for Saint Andrews, Hugh Montgomery for Glaſgow, John Mure for Air, Alexander Edgar for Haddingtoun, James Oſwald for Kirkadie, Robert Johnſtoun for Dumfries, Maſter Alexander Cuninghame for Irving, Walter Scott for Jedburgh, William Coltran for Wigtoun, Sr James Halkett for Dumfermlyne, Robert Scott for Selkirk, Sr James Smollat for Dumbartoun, Robert Kellie for Dunbar, Archbald Sheell for Peebles, Sir Alexander Ogilvie for Bamff, Maſter William Johnſtoun for Annan and Donald Campbell for Inveraray. Then the whole Act was put to the vote and approven.

THE Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 31, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

AN Overture in form of Act for a Manufactory of Lame, Purſelaine and Earthen wair read and ordered to be marked a firſt reading.

THE draught of an Act for encouradging ſhipping and ſeamen read and ordered to ly on the table.

THE Act for the more effectuall Execution of the Laws prohibiting the Importation of Iriſh or other victuall and Irish cattle &c. read again, And the clauſe for puniſhing the tranſgreſsors under the degree of Heretors by delyvering them to be tranſported for recruits beyond ſea being conſidered The vote was aſked Approve or Alter the clauſe and carried Approve Then a clauſe anent the Importing Iriſh horſes being conſidered The vote was aſked Allow the Importing of Iriſh horſes till nixt Seſsion of Parliament Yea or No, And Carried in the negative, After which the Act receaved ſome farder Amendments and was at length read as amended put to the vote and approven.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 1, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE draught of an Act diſcharging the Importation of all forraigne Wool and the makeing or wearing any Woollen Cloath above the pryce of ſeven pounds four ſhillings per Eln read and ordered to ly on the table.

THE draught of an Act for reviving an Act paſt in the 12th Parliament of King James 6. anent Mines and Mineralls read and ordered to ly on the table.

PETITION by Maſter William Black Advocat relateing to his Woollen Manufactorie at North miļns of Aberdeen read and thereupon the ſaid Manufactory by a vote and delyverance of Parliament endued with the ordinary priviledges, And the Commiſsioners of Supply in the ſhire impowered to Impoſe yearly a thouſand pounds from year to year for fyve years on the Land rent of the ſhire for breeding up boyes in manner and for the ends mentioned in the Petition.

THE Act anent the prohibition of Exporting Engliſh or Iriſh wooll till the nixt Seſsion of Parliament read again And after much debate The vote being aſked Proceed or Delay carried Delay.

THE Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 2, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the proprietars of the Woollen manufactory at Muſſelburgh deſyreing it might be declared a Manufactory, with the ordinarie priviledges read and granted.

THE Petition by William Hog of Harcarſe in behalfe of his Woollen manufactory of Harcarſe to the ſame purpoſe read again and granted.

THE Act for continueing the prohibition of Exporting Engliſh and Iriſh wooll till the next Seſsion of Parliament being read again A clauſe was offered to be added allowing ſheep skins and lamb ſkins with wooll upon them to be exported till next Seſsion of Parliament, And after ſome debate thereon the Act was conſidered paragraph by paragraph, And the narrative with the clauſe continueing the prohibition of Exporting Engliſh and Iriſh wooll to the next Seſsion of Parliament incluſive put to the vote and approven Then the generall clauſe to diſcharge the exporting any kynd of wool being read The queſtion was ſtated If the clauſe allowing the Export of skins with wool upon them ſhould be added thereto, Yea or No, And carried in the affirmative, After which it being moved that an Additionall duty might be impoſed upon all ſkins to be exported, and ſome Cautions adhibited for hindering other wool to be exported together with that upon ſkins The queſtion was thereupon firſt ſtated Proceed or Delay And thereafter ſtated Approve the Act as it ſtands or No And the vote being aſked Whither the firſt or the ſecond queſtion ſhould be voted Carried that the firſt queſtion ſhould be voted And then the vote being aſked Proceed or Delay carried Delay.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 3, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

PETITION by the Lady Edinglaſsie againſt the Laird of Powrie read and ordained to be ſeen and anſwered the firſt day in which the Parliament ſhall think fit to proceed upon privat buſsines, And the Lord Advocat Sir David Dalrymple and Sir David Cuningham allowed to plead for the petitioner in her cauſe mentioned in the petition.

PETITION for George Dundaſs relateing to his ſummonds for a protection offered and all parties and their procurators in both theſe Cauſes ordained to be readie and attend the ſaid next dyet of Parliament for privat buſsines.

THE Act anent the Exporting of wool farder proceeded in And a clauſe offered to regulate the manner of Exporting ſkins with wool on them read, It was Agreed to without a vote that no ſkins with wool on them be exported from any place in this kingdome excepting three ports only, two of which three to be appointed in the Weſtern Coaſt and one in the Forth And the vote being aſked Whither the port of Leith or that of Borrowſtounefs ſhould be appointed for the Forth It carried Borrowſtounefs Then the vote was aſked Whither New Port Glaſgow or Air ſhould be appointed for the adjacent parts of the Weſtern Coaſt And carried New Port Glaſgow After which the vote was aſked Whither Dumfreis or Kirkcudbright ſhould be appointed for the more ſoutherly parts of the ſaid coaſt And carried Dumfreis.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 6, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Earle of Marchmount deſired that he might be allowed to withdraw an Overture by way of Act which had lately been preſented by him, and was appoynted to ly upon the table, but had not yet been read, The which deſyre was granted, And the Clerks were appoynted to give back the overture.

THEN his Lordſhip preſented an other Overture by way of Act which was read And the queſtion being put, If the ſaid Overture ſhould be marked in the Minuts or Not It carried in the negative.

PETITION by the Earl of Crawfurd anent the Arrears due to him and his Regiment being read It was moved that the petitioners caſe be remitted to the Lords Commiſsioners of her Majeſties Theſaury and that he have a fiſt of execution at the inſtance of his Creditors for the debts mentioned in the Petition till the next Seſsion of Parliament which was agreed to.

RESOLVED that the next day the Parliament ſhall meet be intirely beſtowed on diſcuſsing privat caſes without the interveening any publick affair whatſoever.

THE Petition of Alexander Niſbet anent his book of Herauldry read again and his caſe recommended to the Lords Commiſsioners of Her Majeſties Theſaury.

PETITION by the Mealmongers at Leith read and the Magiſtrats of Edinburgh appoynted to make anſwer thereto the next ſitting of Parliament peremptorie.

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[PETITION for David Forbes and others.

UNTO his Grace her Mäties high Commiſsioner and the right honourable the eſtates of Parliät The petitione of David Forbes & James Muire, and other meall sellers and retaillers therof in Leith, for themselves, and in behalf of the heretors of the northern Shires and others in Scotland, whose meall, oats, bear, and other grains [are] usually brought to the port of Leith,

Humbly Sheweth

THAT where the meall mungers in Leith, have been in use past memory of man, to buy the north countrey victuall and girnell and retaill the same at Leith, or otherways to take the charge therof to be girnelled or lofted, and sold on the heretors their oun risque and accompt, and that free of any exactione or impoſt by the toun of Edinburgh, True it is, That of late the toun of Edinburgh has thought fit to challenge ane impoſt as due out of each bag or pock of meall, and for each boll of what is imported to Leith in bulk, at the rate which they say, meall pays of custome in the mercat of Edinburgh viz. as comes to four shilling Scots per bag, and for giving colour to this sort of exactione the meall mungers are every other bout or turn, conveened befor the Baillies, as alleadged forstallers and regraters, and therupon summarly Imprysoned till they redeem themselves by payment of fynes from 5 lib Scots to 40 libs Scots the man more or leſs attour enacting themselves to compear & give their oaths, upon what number of pocks or quantities of victuall in bulk, they doe from time to time sellar, vend, or any way retaill, that custom may be accordingly payed therof which at 4 Sh. the bagg as said is, exhausts the meal mungers whole profite, This beside the shoar dues at importa°ne, custome payed to the toun of Edinburgh at exporta°ne out of the toun of Leith, ceſs for the releiſe of the toun of Edinburgh, and ceſs for tread, quarters to souldiers, and other exceſsive burdens impoſed by Edinburgh on us, if not remeided will obleige them to pay leſs for the victuall so imported to Leith, or oth^rways, that the importers and heretors themselves must bear the burden and expenſis of the sd impoſt and custome, which considering the great bulk of north countrey victuall that arrives at the port of Leith may amount to many thousand merks a year of a new devysed burden upon the said heretors, Therfor, and seeing ther is no law warranding such ane impoſt or exactiones beſides that it dearthens vivers

It is humbly hoped, his Grace her Mäties high Commiſsioner, and the honourable eſtates of Parliament, will by their deliverance hereupon, diſcharge the toun of Edinburgh's exacting any such impoſt or custom on accompt of whatſomever meall, oats or bear imported into the harbour of Leith and sellared lofted and retailled there and your petitioners shall ever pray. William Dippie

D F.

Ed^r 6th Septr 1703.

Her Majesties high Commiſsioner and the Estates of Parliament having considered this petition they ordain the magistrats of the toun of Edinburgh to sie & answeir the same ag^t the nixt Sederunt of Parliät.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION by Robert Martin of Bruntbrae relateing to his tack of the Excyfe in Aberdeenfhyre read and delayed till the Parliament appoynt the fonds for mantaining the forces and other publick expences.

.....

[TO his Grace Her Majeftys High Commifsioner and Right Honourable the Eftates of Parliament,

Robert Martine of Burnbrae, late Tackfman of the Additional Inland Excife in the Shire of Aberdeen, impofed by Act of Parliament 1693.

Humbly Sheweth,

THAT where upon my entrie upon the faid tack, I met with certain difcouragements and difficulties, by reafon of Edicts printed and publifhed in that Shire, whereof I do only here take notice, for your Grace and Lordfhips information, but without any defigne of complaining upon the makers thereof, by which Edicts declaring the three pennys upon the pynt to be no better than twenty shilling upon the boll, and difcharging the Brewars of the non-entries they had incurred, I was prejudged to that degree in the fubject of my tack, that I could not make up the duty without my infallible lofs & ruin, which cafe being brought before the Lords of his late Majefties Privy Councill, their Lordfhips did find that I had fuftained the forefaid damnages, but thought fit to affoilzie the Commiffioners of the Shire, and only to recommend it to their care to fee the fame made up, if poffible betwixt and the tenth of September then enfuing, which day was purpofely fet that in cafe of my difappointment in the Shire, which truly happened by reafon of the change and break of Brewars, I might have my recourfe to the Parliament, which was then to meet the eight of the faid moneth of September; which recourfe I accordingly made, and thereupon obtained an Act of Parliament dated the eight of October 1696 years, wherein having laid furth my damnages to the Parliaments satisfaction, they recommended me to the late King, for reparation of my loffes, in fuch way and manner as His Majefty in His Royal bounty fhould think fit, as the faid Act of Parliament herewith produced bears. Upon which Recommendation, and fpecially on this ground, that the principal Tackfmen had advanced & compted for the whole tack duty without any abatement upon my faid accompt, I having petitioned His Majefty, obtained His gracious Letter to the Lords of his Majefties Thefaurie, requiring them to examine and take trial of my faid loffes, and to report, that his Majefty might fignify his farther pleafure therein, as a double of the faid Letter (whereof the principal is in the Thefaury) dated the firft of March 1699 years, bears; Which Letter being prefented to their Lordfhips, they were pleafed to examine my accompts of my intromiffion with the faid Excife, by which it appeared that I fell fhort of my tack duty, in the sum of Ten thoufand nine hundred and thirty nine pounds as my lofs: for which I was recommended by the Parliament to His Majefty, and thereupon the faid Lords of Thefaury found that I had fuftained damnages in the profecution of my faid tack, upon the grounds mentioned in the Report. And therefore they did again lay my loffes before His Majefty to be repaired in fuch manner and way as He in His Royal bounty fhould think fit, as their Report of the date the third day of April 1699 years, herewith produced, bears, which Report being accordingly laid before His Majefty, and His Majefty being alfo informed that the Fond upon which the faid loffes were fuftained, was fully accompted for, and I ftill left under legal diligence and diftrefs, His Majefty by His fecond Letter dated the nineteenth of April 1701, thought fit to remit the matter to the care of the Lords of the Thefaurie, authorizing and requiring them to take fuch ways for my satisfaction out of the fonds yet undifpofed of, as might effectually operat my relief, or in cafe that could not be done, that they fhould lay the matter before the Parliament as a deficiencie for the end abovementioned, as a copie of the faid Letter (whereof the principal in the Thefaurie) herewith produced bears. Which Letter being likeways prefented to their Lordfhips; they after confideration thereof, and in complyance with his Majefties pleafure, in refpect there was no fond undifpofed of, out of which they could order my relief, thought fit to lay my faid loffes before the High and Honourable Court of Parliament, as a deficiencie for the end forefaid, as the faid Act of Thefaury of the date the firft day of January 1701, herewith produced, teftifies. Likeas, in profecution thereof, I did prepare my Repreſentation for the Parliament that sat the faid moneth of January 1701, but by reafon of the throng of publick bufinefs, I could have no acceſs to a hearing, all privat bufinefs as is well known being then laid afide, fo that now indeed is the firft opportunity that I have had for laying my cafe before the Eftates of Parliament with the forefaid Recommendations granted upon it.

And feeing your Grace and Lordfhips may plainly perceive how from the beginning, without the leaft fault or neglect upon my part, I did incurr the faid damnages, And that both the Lords of his Majefties Privy Council and the Eftates of Parliament and the Lords of the Thefaurie upon the late Kings forefaid, Letters, have again and again found that I ought to be relieved thereof: it being evident that I was only fubjected thereto, throw my being Tacksman of a subject that fell fhort, notwithftanding of my utmoft diligence, for the caufes above-repreſented, and that it is farder certain that the principal Tacksmen, to whom I and my Cautioners are inevitably lyable, having payed up and counted for the whole tack duty without any abatement, in regard that before hand they had compleated their payments, This burden that ſtill lyes upon me is manifeſtly a deficient fond, which the Eftates of Parliament can only make good, according to the forefaid Recommendations, and which it is impoſſible for me to bear without being funk and ruined.

May it therefore pleafe your Grace and Lordfhips, in conſideration of my faid afflicted cafe which comes plainly to this point, that I having become Sub-tackfman of an Excife which proved deficient without my fault, and the Tackfmen having compted to the Thefaurie, but leaving the burden intirely upon me, I ought and only can have my relief as of a deficient fond from the Parliaments juſtice in manner above demonſtrat, to have compaſſion of my faid diſtreſs: and finding my foreſaid loſs to be clearly a deficient fond, to appoint and ordain my remedy when the fonds ſhall be conſidered, and new Supplies granted in this Parliament, This being not only moſt juſt but no other way poſſible for my reparation; without which, and that upon a publick account, I muſt be infallibly ruined.

Recommendation of Parliament in favours of Robert Martine of Burnbrae.

AT Edinburgh, the eight day of October one thouſand ſix hundred and ninety ſix years, Anent the Petition preſented to his Majeſty's High Commiſsioner and the Right Honourable the Eſtates of Parliament, by Robert Martine of Burnbrae, late Tackſman of the additional Inland Exciſe in the Shire of Aberdeen, impoſed by Act of Parliament one thouſand ſix hundred and ninety three, Humbly ſhewing, That where, upon the Petitioners entry into the ſaid tack, he did meet with ſuch diſcouragements and difficulties by reaſon of Edicts printed and publiſhed by a certain number of the Commiſsioners of Excise in Aberdeen shire; on whom, though the Petitioner intended not to complain, yet he muſt take leave, for his Grace and their Lordſhips better information, to repreſent, That by theſe Edicts declaring the three pennies on the pint to be no better than twenty shilling upon the boll, and by their backwardneſs to give the Petitioner the concurrence that might have been expected from perſons in their truſt, the Petitioner was prejudged irrecoverably to that degree, that

he is ſhort more than Nine thouſand pounds of the tack duty he owes to the principal Tackſmen, which he can never pay without his own loſs and ruin: Whereby it happened, that the Petitioner was neceſſitated (much againſt his mind) to lay his caſe before the Lords of his Majeſties Privy Council, who were ſatisfied that he had ſuſtained damnages; but in regard that the ſaid Commiſsioners being offended, did likeways reconveen the Petitioner, and that the matter could not be brought to any other accommodation, the Lords of Council by their Sentence in Auguſt laſt, aſſoilzied both the ſaid Commiſſioners and him hinc inde; But with all, recommended it ſeriouſly to the ſaid Commiſſioners to conſider his ſaid dammages, and to do therein as they ſhould ſee cauſe; and that betwixt and the tenth of September laſt, as the Sentence of the Privy Council produced with the ſaid Petition bears. Whereupon the Petitioner did addreſs himſelf to the ſaid Commiſſioners but all the anſwer he got was, That they were ready in obedience to the ſaid Recommendation to give the Petitioner any aſſiſtance, was in their power to uplift the deficiency of the ſaid Exciſe; and that this was all they could do in the matter. Whereby the Honourable Court of Parliament may evidently obſerve, Firſt, That the Lords of Privy Council were ſatisfied that the Petitioner had ſuſtained damnages on the account foreſaid. Secondly, That for the Petitioners reparation, they ſeriouſly recommended him to the foreſaid Commiſſioners of the Shire; and farder did limit them to the tenth of September laſt; which its known was done, that in caſe the Petitioner got not in that time redreſs from the Commiſſioners, he might apply to his Grace and their Lordſhips who were then to meet the eight of the ſaid moneth. Tertio, That the Petitioner has gotten no redreſs, nor can he expect any from the ſaid Commiſſioners, it being certain, that the damnage that the Petitioner ſuſtained was both by the encouragement the Brewers got to refuſe juſt entries as well as agreements; and likeways by breaking of many through theſe conteſts that are now utterly deſperat. So that in all humility, the Petitioner muſt proteſt before his Grace and their Lordſhips, That notwithſtanding of the outmoſt diligence and pains the Petitioner has taken in this matter, unleſs this Honourable Court of Parliament find ſome relief for him, he muſt ſink under the foreſaid burden, there being viſibly no other relief for him. And therefore, craving his Grace and their Lordſhips in conſideration of the premiſſes, and that it were in effect an hardſhip, which the equity of this Honourable Court will never allow, that a poor man ſhould be innocently ruined for his ſervice offered to the Government, to take cognition of the Petitioners foreſaid heavy and irrecoverable loſſes, and to provide ſuch remedy and relief, as his Grace and their Lordſhips ſhould in juſtice and equity think fit, as the ſaid Petition bears; Which being read in preſence of, and conſidered by his Majeſties High Commiſſioner and the Eſtates of Parliament, they have Recommended, and hereby Recommends the Petitioner to his Majeſty for reparation of his loſſes in ſuch manner and way as his Majeſty in his Royal Bounty ſhall think fit. Extracted forth of the Records of Parliament by me Alexander Gibſon of Durie one of the Depute Clerks thereof, as having commiſſion for that effect, from Charles Earl of Selkirk, &c. Clerk to the Parliament, and to his Majeſties Councils, Regiſters and Rolls. Al. Gibſon.

Copy of the King's Letter to the Theſaury, in favours of Robert Martine of Burnbrae.

Superſcribed, WILLIAM R.

RIGHT truſtie, &c. We having received a Petition from Robert Martine of Burnbrae recommended to us by our Parliament, for reparation of loſſes he ſuſtained when he was Tackſman of the Additional Exciſe of the Shire of Aberdeen, from the firſt of June 1693, to the firſt of May 1695, and the loſs that he hath ſuffered being repreſented to us to be about the ſum of Eight hundred pound Sterling, wherein he hath fallen ſhort of his tack duty. We do hereby require you to examine and take tryal of his ſaid loſſes, and to report the ſame to us, that We may ſignifie Our further pleaſure therein: And ſo We bid you heartily farewell. Given at our Court at Kenſingtoun, the firſt day of March 1698, and of Our reign the 9th year.

By His Majeſties Command,
Counterſigned TULLIBARDINE.

Extract Report, the Lords of His Majeſty's Theſaury, in favours of Burnbrae.

AT Edinburgh, the third day of April one thouſand ſix hundred and ninety nine years, Anent the Report by the Commiſſioners of his Majeſties Theſaury, anent the loſſes ſuſtained by Robert Martine of Burnbrae, Bearing, That where it having pleaſed his Majeſty by a Letter under His Royal hand dated the firſt of March, one thouſand ſix hundred and ninety eight years, to require the ſaid Commiſſioners of His Theſaury, to examine and take tryal of the loſſes ſuſtained by the ſaid Robert Martine, while he was Tackſman of the Additional Exciſe of the Shire of Aberdeen, from the firſt of June one thouſand ſix hundred and ninety three years, to the firſt of May one thouſand ſix hundred and ninety five years which he repreſented to be about the ſum of eight hundred lib. Ster. wherein he was fallen ſhort of the tack duty. In obedience to his Majeſties command, the ſaid Commiſſioners have ſeen and examined the accompts exhibited to them by the ſaid Robert Martine of his foreſaid tack duty and intromiſſions, whereby, and by his tack produced, it appeared that his tack duty during the ſaid ſpace extended to fourty one thouſand five hundred twenty ſeven pounds fifteen ſhilling ſeven pennies Scots, and that on the other part he collected out of the ſaid Shire of the ſaid Exciſe, during the ſaid ſpace, as by a particular accompt ſhown to them has teſtified, thirty eight thouſand five hundred eighty eight pounds ſix ſhilling eight pennies: But his expenſes in collecting being extraordinary, through the oppoſitions and difficulties that he met with, as is aftermentioned, and amounting to eight thouſand pounds Scots, there reſts of ballance, wherein he fell ſhort of his tack duty, ten thouſand nine hundred thirty nine pound eight ſhilling eleven pennies, which ſum he reckoned as the ſum of his loſſes, for which he was Recommended by the Parliament to His Majeſty, by their Act dated the eight of October one thouſand ſix hundred and ninety ſix, in regard that upon a tryal before the Lords of His Majeſtys Privy Council, They found that he had ſuſtained damnages in the proſecution of his ſaid tack, by reaſon that the Commiſſioners of Exciſe of the ſaid Shire had publiſhed and printed Edicts whereby they declared that the Additional Exciſe of three pennies on the pint of ale, was no better than twenty ſhilling on the boll, which was conſiderable under rating, and likeways neglected to appoint Offices and Diſtricts as they ought to do, and diſcharged the Non-entries that the Brewars had incurred; for which cauſe, albeit the ſaid Lords of Privy Council did again remit, and ſeriouſly recommend the ſaid Robert Martine to the ſaid Commiſſioners of Exciſe for ſome reparation; yet all the anſwer he obtained from them, being, that they offered him their ordinary concurrence, which the change of Brewars and other accidents which had happened in the ſpace of two or three years was of no value, and could take no effect, the ſaid Robert Martine was neceſſitat to lay his caſe before the Parliament, where after conſidering his complaint exhibited to the Lords of Privy Council, with their procedure thereon; and particularly, though they found the ſaid Robert Martine had ſuſtained damnages on the occaſions and the grounds aforeſaid, yet for good reaſons moveing them, they aſſoilzied the ſaid Commiſſioners, the Eſtates of Parliament did therefore grant the foreſaid Act and Recommendation to His Majeſty for reparation of the ſaid Robert Martine's loſſes, all which appeared to them by the foreſaid Act of Council and grounds thereof, and by the foreſaid Act of Parliament, all produced in their preſence. They did with all ſubmiſſion

again lay the ſaid Robert Martine his loſſes before His Majeſty, to be repaired in ſuch manner and way, as His Majeſty in His Royal bounty ſhould think fit. Sic ſubſcribitur, MARCHMONT Chancellar, QUEENSBERRY, ANNANDALE. Extractum de Libris Theſaurarii per me.

Copy of the Kings Letter to the Theſaury in favours of Burnbrae.

Ut ſupraſcribitur, WILLIAM R.

RIGHT truſty and right well beloved Couſine and Counſellour, Right truſty and intirely beloved Couſine and Counſellour, Right truſty and well beloved Couſins and Counſellors, and Right truſty and well beloved Counſellors, We greet you well. By Our Letter of the firſt of March 1698, We required you to examine and take tryal of the loſſes ſuſtained by Robert Martine of Burnbrae, Sub-tacksman of the additional Exciſe of the Shire of Aberdeen, from June 1698 to May 1695, in order to his reparation, which was recommended to us by our Parliament, in return to which Letter we have your report, whereby his loſſes are ſtated to Ten thouſand nine hundred thirty and nine pounds Scots, and laid before Us to be repaired in ſuch manner as We ſhould think fit. And We being informed that the Fund upon which the ſaid loſſes was ſuſtained, is fully accompted for, and the ſaid Robert Martine yet left under the legal diligence and diſtreſs of the principal Tackſmen: We have therefore thought fit to remit the matter to your care, Authorizing and Requiring you to take ſuch ways for ſatisfaction of the ſaid Tackſmen, out of the Funds yet undiſpoſed of, as may effectually operat his relief, or in caſe this cannot be done, that you lay the ſame before our Parliament, as a deficiencie for the end abovementioned, and ſo we bid you heartily farewell. Given at our Court at Kenſingtoun the 19th day of April, and of our Reign the 12th Year.

By his Majeſties Command,

Sic ſubſcribitur CARMICHAEL.

Extract Recommendation, the Lords of His Majesties Theſaury, in favours of Robert Martine of Burnbrae.

AT Edinburgh, the firſt day of January, One thouſand seven hundred and one years. The Lords Commiſsioners of His Majeſties Theſaury conſidering, that His Majeſty by his Letter of the nineteeth of April laſt, making mention, that by a former Letter of the firſt of March One thouſand six hundred and ninety eight; He required them to examine the loſſes ſuſtained by Robert Martine of Burnbrae, when Sub-takſman of the Additional Exciſe of the Shire of Aberdeen from June One thouſand ſix hundred and ninety three, to May One-thouſand ſix hundred and ninty five years, in order to his reparation, which had been recommended to His Majeſtie by the Parliament: And that in return to that Letter, his Majeſtie had their Report, whereby his loſſes are stated to Ten thouſand nine hundred and thirty nine pound Scots; to be repaired in ſuch manner as his Majeſty ſhould think fit. And that his Majeſty being informed, that the Fond upon which the ſaid loſſes were ſuſtained, was fully accompted for, and the ſaid Robert Martine left under the legal diligence and diſtreſs of the principal Takſmen, Therefore his Majeſty thought fit to remit the matter to the ſaids Lords their care, requiring them to take ſuch ways, for ſatisfaction of the ſaid Tackſman, out of the Fonds yet undiſpoſed of, as might effectually operat his relief; or in caſe this cannot be done, that they ſhould lay the ſame before the Parliament as a deficiencie for the end abovementioned, as the ſaid Letter bears. And there being no Fond undiſpoſed, out of which they could order satisfaction to the ſaid Tackſmen for the ſaid Robert Martine his relief: The ſaids Lords therefore in compliance with his Majeſties Will ſignified to them by the ſaid Letter, do hereby lay the ſaid Robert Martine his loſſes before the Parliament as a deficiency for his relief, and the end abovementioned. Sic ſubſcribitur, MARCHMONT, Chancelor, ARGILE, AD. COCKBURN, F. MONTGOMERIE. Extractum de libris Theſaurarii per me.

Edinb: 6: Septēr 1703.

Her Māties high Commiſsioner and the eſtates of Parliāt haveing Conſidered this petitione They declaire they will take the ſame to their conſideraone when the Parliāt proceeds to the fonds for the forces and the arrieres due to the armie.

SEAFIELD Cancellar. I. P. D. P.]

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THE Act in favours of the ſhyre of Caithneſs read again.

THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 7, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Petition by Sir Alexander Dalmahoy of that Ilk for a relief of his fathers cautionry for Henry Legatt late Collector of the Ceſs in the ſhyre of Mid Lothian who at the deſyre of the Commiſsioners of Supply in the ſhyre for the time had furniſhed certain quantities of corn ſtraw and hay to the forces in the year 1691 read again and it being moved and Agreed to that no ſingular ſucceſsor in Lands within the ſhire ſince the ſaid tyme could be lyable to any ſuch releif The vote was aſked Grant the deſyre of the Petition with that quality or Not and Carried in the affirmative.

PETITION by Sir George Home of Kello and partners relateing to the fiſt of Execution granted by delyverance upon a petition in favours of the Earle of Crawfurd read and the vote aſked Adhere to the ſaid delyverance Yea or No carried Adhere.

THE Petition by the Heretors of the ſhyres of Inverneſs and Roſs with the Anſwers for Duncan Forbeſs of Culloddin read relateing to an Act of Parliament obtained by the ſaid Duncan in the year 1690 taxing the yearly excyſe of Aquavitæ brown in his Lands of Ferintoſh to four Hundred merks yearly And after debate the vote being ſtated Reſcind the Act in ſo far as concerns the Excyſe or No Carried in the negative But the effect of the Act was reſtricted of conſent to the grouth of the ſaid Lands allenarly.

PETITION by Sir William Douglaſs anent his arrears and ſome reparation for the loſs of his eſtate in France read and the petitioner thereupon Recommended to the Lords Commiſsioners of the Theſaury for his arrears and to the Queens Majeſtie for the ſaid reparation.

THE draught of the Act for a manufactorie of Lame Purſelaine and Earthen wair in favours of William Montgomery and George Lind read for the ſecond time put to the vote and approven.

THE Action at the inſtance of the Laird of Morieſtoun againſt Sir James Cockburn to declare the truſt of certain bonds in the Defenders perſon for the behoof of the perſewers father called And the Advocats for either party heard The cauſe was remitted in ſtatu quo to be diſcuſsed ſummarly before the Lords of Seſsion.

THE Action at the inſtance of the Earl of Home againſt Sir Patrick Home for inſiſting upon his proteſtation for remeid of Law againſt the Earl called and the Advocats for either party ordained to be ready and inſiſt in their ſeverall actions the next dyet of Parliament for privat buſsines After which the vote was aſked Whither the Parliament ſhould at their next meeting proceed upon Publick or upon Privat buſsines and Carried they ſhould proceed upon Publick buſsines.

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[MINUTES in the Proceſs The Earle of Home & Mr James Home of Ayton his ſon ag^t Sr Patrick Home advocat

Actores Dallrymple et Hamilton of Bangowr
Alter se

Dallrymple for the perſuers repeated his lybell and craved that Sir Patrick Hoome might inſiſt in diſcuſſing his proteſt for remeid of law with certificatione that if he faillie the proteſt may fall and become null it being taken after extending of the perſuers decreit.

Hoome alledged that the perſuers proces is not ſein & returned as is appoynted by the act of Parliāt 1695 regulating the procedor of proceſs befor the Parliāt and that no pairtie is bound to anſuer quhill he firſt ſie & returne the proces.

Dallrymple anſuered that he oppones his proces bearing ane outgiveing and the ſame was accordingly given in to Sr Patricks lodging bot his ſervants had ſo much airt as to give it back without a wryten returne albeit Sir Patrick or ſome in his name can not give their oath of calumny bot they truly ſaw it & gave it back without a returne and returnes are only neceſſar befor the ſeſſion where inrollments are requyred 2do Sr Patrick having cited the Earle and his ſon on his proteſt for remeid of law in ordour to diſcuſſe it & the day of compearance being elapſed he ought preſently to inſiſt in his proces otherwayes the Earle & his ſon ought to have proteſtation againſt him for not inſiſting Lykeas Sr Pat. is a member of the houſe & knew his proces was to be called the firſt dyet for privat buſſines.

Hoome replyed that by the act of Parliāt 1695 all proceſs befor the Parliāt muſt be ſein & returned in common forme befor they can be inſiſted in and it is moſt calumnius that Sr Pat. or any in his name did ever ſie the proces nor can his being a member of the houſe preclude him from inducię legales which allowes him to ſee the proces in common forme And as to the 2^d alledgeance Anſuered that albeit the perſuer has raiſed his proces on his proteſt yet the ſame not being done quhill he was cited by the Earle & his ſon to inſiſt He cannot proceid in his proces quhill firſt the Earle & his ſon give out that proces to ſie and anſuer & that Sr Pat. will inſiſt in his or not as he ſhall find convenient.

7 Septr 1703.

Her Māties high Commiſſioner and the Eſtates of Parliāt haveing advyſed the debeat they ordaine Sr Patrick Hoome to be ready to inſiſt in his proces ag^t the Earle of Hoome & his ſon upon his proteſt for remeid of law or to anſuer at the inſtance of the ſd Earle & Mr James his ſon in p^r proces ag^t the ſd Sr Patrick and p^t upon the nixt dyet of Parliāt for privat affairs perremptorie And in the mean tyme allowes Sr Patrick to ſie Mr James & the Earles proces in the clarks hands.

SEAFIELD Cancellar. I. P. D. P.]

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THE Lord Chancellor by order of Her Majeſties High Commiſsioner Adjourned the Parliament till Thurſday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 9, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE draught of an Act containing certain Limitations on the ſucceſsor to the Crown of this Kingdome failzieing heirs of her Majeſties body offered But before reading It was moved that the Parliament might proceed to finiſh the Act relateing to the Exporting English and Iriſh wool and not lay that aſyde to begin the conſideration of any new overtures.

MOVED that the proceedings of the Commiſsioners in the Treaty for the Union with England be laid before the Parliament and thereupon It was ordered that the progreſs and advancement in the ſaid Treaty be laid before the Parliament next Sederunt, And declared by a vote of Parliament that the Commiſsion granted for the ſaid Treaty is terminat and extinct And that there ſhall be no new Commiſsion for treating of an Union betwixt the Kingdoms of Scotland and England without conſent of Parliament.

THE Act continuing the prohibition to Export Engliſh and Iriſh wool proceeded in and a clauſe offered appoynting all packs of ſkins with wool upon them to be ſealed by the ſeveral Collectors at the three ports of export and to pay a certain duty which was read, And thereupon the vote was aſked If the duty ſhould be Five or Eight of the hundred of the value of ilk pack And carried Five And then the clauſe agreed to be added to the Act And before voteing the Act, Sir Patrick Johnſtoun and Robert Inglis in name of the town of Edinburgh and the reſt of the Royall Burghs proteſted that the Act nor any thing therein contained might not prejudge the right and priviledge of the Royall Burghs and their free ports, And particularly the burgh of Edinburgh and burgeſses thereof of their right of free ports and priviledge of export belonging thereto conform to their Chartours and Infeſtments thereof And thereupon entered their diſsent and Creaved the ſame might be Marked Which proteſtation was adhered to by Alexander Robertſon, John Scrimſeour, John Allardyce, Collonell John Areſkin, Walter Stewart, Alex^r Watſon of Aitherny, Hugh Montgomery, John Mure, James Scott, Robert Johnſtoun, Alexander Duff of Drumure, Sir John Areſkin, Maſter James Melvill, Alexander Cuningham, Walter Scott, William Coltran, Sir Andrew Home, Sir James Smollett, Archibald Shiells, Sir Alexander Ogilvie of Forgland, Mr William Johnſtoun, Alexander Edgar, Daniell Campbell, James Bethun, John Hutchiſon, who all proteſted for their ſeveral burghs to the effect abovementioned After which the Act was put to the vote and approven.

PETITIONS by Collonell George McGill, Collonell George Hamiltoun and Lieutennant Generall George Ramſay ordained all to be ſeen and anſwered againſt the next ſitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 10, 1703.

PRAYERS said The Rolls called.

THE Minuts of the laſt Sederunt being read The Lord Secretary proteſted that the delyverance on the petition of the Heretors of Inverneſs & Roſs in favours of Duncan Forbes of Culloden might not prejudge her Majeſties intereſt in the annexed pro-

pertie of the Excyſe that it might neither operat an extenſion of nor addition to the acts in favours of the ſaid Duncan Forbes nor import any monopoly in prejudice of the petitioners or others and that it might not derogat from nor prejudge any obligation upon the ſaid Duncan to any ſhire or perſon as accords of the Law And thereupon asked inſtruments.

THEN Her Majesties High Commiſsioner made a Speech to the Parliament in manner following.

My Lords and Gentlemen,

It was with great uneaſineſs to me that I was forced to be silent yesterday, when so many did appear earneſt, that I ſhould speak. I have all the inclination in the world to give you full satisfaction But I thought that I ought not to be preſsed to give the Royall Aſsent or to declair my inſtructions in Parliament which I had made known to many noble and worthie members, besides the Queens Servants.

Now that these instances are let fall and that you have proceeded to other buſines to teſtify how willing I am to give you contentment in any thing that's in my power I tell you freely That I have receaved Her Majeſties pleasure and am fully impowered to give the Royall Aſsent to all the Acts voted in this Seſsion excepting only that act intituled Act for Security of the Kingdome (you may eaſily believe that requires her Majesties further conſideration) At the same time her Majestie expects that you will mind your oun safety in makeing neceſsary provisions for the troops upon the present establishment And that you will put the trade and customs on that foot that the civil list may be supported And I intreat your Lordships to finish these as quickly as poſsible that this Seſsion may be put to a speedy and happy conclusion.

IT was thereupon moved that there may be ane Addreſs of Parliament to her Majesty humbly intreating that her Majesty may be pleased to give the royall aſsent to the said Act And after some debate upon that motion The vote was stated Addreſs or Proceed to other busines and carried Proceed to other busines.

THE Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 13, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Lord Pitſligo took the oath of alleadgeance and oath of Parliament and ſubſcribed the alleadgeance and aſsurance.

IT being moved that the draught of the Act offered the nynth currant by the Laird of Saltoun for certain Limitations on the ſucceſsor to the Crown ſhilling heirs of her Majeſties body might be conſidered It was propoſed that the Parliament might conform to their vote on the 25th paſt proceed upon farder overtures for trade And thereupon the queſtion being voted Whither the Parliament ſhould proceed on the ſaid Act for Limitations or upon the Overtures for trade It carried that they ſhould proceed on the Overtures for trade.

THE Act for allowing the Importation of all wines and forraigne Liquors read And after long debate the queſtion was ſtated Approve the firſt clauſe allowing the Importation of all ſorts of wines and other forraign liquors or Not But before voteing The Marques of Tweedale proteſted for himſelf and in name and behalf of ſuch as ſhould Adhere to his proteſtation that this act allowing the Importation of French wines and brandie ought not to paſs as being diſhonourable to her Majeſtie, inconſiſtent with the Grand Allyance wherein ſhe is engadged and prejudiciall to the Honour, Safety, Intereſt and Trade of this Kingdome And therefore deſired his Proteſtation might be marked and inſert in the records of Parliament And thereupon aſked inſtruments. To which proteſtation adhered His Grace the Duke of Hamilton, the Marques of Montroſe, the Earles of Erroll, Marefchall, Rothes, Home, Srathmore, Roxburgh, Haddingtoun, Selkirk and Ruglen, the Viſcount of Stormont, the Lords Semple, Blantyre, Forreſter, Barganie, Elibank, Beilhaven, Colvill and Kinnaird, Robert Dundaſs of Arniſtoun, Sir Robert Dickſon of Inverask, George Lockhart of Carnwath, Andrew Fletcher of Saltoun, William Niſbet of Dirletoun, John Cockburn younger of Ormiſtoun, Sir Robert Sinclare of Longformachus, Sir John Home of Blackader, Sir John Swintoun of that Ilk, Sir Patrick Home of Rentoun, Sir William Ker of Greenhead, William Bennet of Grubet, William Baillie of Lamingtoun, George Baillie of Jervifwood, John Sinclare younger of Stevinſtoun, James Hamilton of Aikenhead, Mr William Cochran of Kilmaronack, Sir Humphray Colquhoun of Luſs, Sir John Houſtoun of that Ilk, John Grahame of Cullearn, James Grahame of Buchlivy, Robert Rollo of Powhouſe, Thomas Sharp of Houſtoun, John Hadden of Glenegies, Sir Patrick Murray of Auchtertyre, William Oliphant of Gaſk, Mungo Grahame of Gorthie, Sir Thomas Burnet of Leyes, Alexander Gordon of Pitlurg, John Udney of that Ilk, William Seaton of Pitmedden, James Moir of Stonywood, Lodovick Grant of that Ilk, Hugh Roſs of Kilravock, Sir William Anſtruther of that Ilk, David Bethun of Balfour, Major Henry Balfour of Dunboig, Robert Douglas of Strahendry, Maſter Patrick Lyon of Auchterhouſe, James Halliburtoun of Pitcur, David Grahame of Fintry, Alexander Duff of Bracco, James Brody of that Ilk, Robert Dunbar of Grangehill and John Bruce of Kinroſs, Commiſsioners for ſhyres, Alexander Robertſon, Alexander Watſon, Alexander Edgar, George Eaſon, James Ofwald, Patrick Bruce, Sir John Anſtruther, Sir John Erſkin, James Spitle, Francis Moliſon, Sir James Hackett, George Smith, Robert Kelly, Mr John Lyon, George Brody, Sir Robert Anſtruther, Maſter John Carruthers, George Hume, Mr James Beathun, John Baine, Mr Alexander Arbuthnot, Commiſsioners for Burghs. Then the vote was aſked Approve the clauſe or Not And carried in the affirmative.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 14, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt being read Sir John Lauder of Fountainhall deſyred his Adhereing to the Marques of Tweedales proteſtation made the laſt Sederunt might be marked.

THE Act allowing the Importation of wines and forraign Liquors was proceeded in And a clauſe being offered to declare that any Nobleman or Barron may in return for effects of their native product exported by them on their own riſk Import wines for their own uſe free of all Cuſtome Excyſe or other duty And that if they ſell the ſame they ſhall loſe that priviledge thereafter and be fined in fyve thouſand merks whereof the half to the informer There was another clauſe offered Reſerveing to the Peers and Barrons the ſame Immunities and Freedoms from Cuſtoms for wines which they had by the 61 Act 1o Parliament King Ja: 6: And after debate the vote being aſked Whither the

firſt clauſe or the ſecond clauſe ſhould be added It carried that the ſecond clauſe ſhould be added Then a clauſe was offered obleidging the Importer to inſtruct his haveing exported of the product of this Kingdome to the value of the Wine and Liquors Imported and Confiscating the wine and Liquors Imported above the value of the Export whereupon the vote was aſked Add the clauſe to the Act or Not And carried in the negative After which the Act was Put to the vote and approven.

THE Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 15, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE Act appoynting thirty dayes to be the time for legall execution within the ſhire of Caithneſs read and ordered to be marked a firſt reading.

PETITION by the Earle of Breadalbin Creaving to be heard before paſsing of the Act as being prejudicial to his Juriſdiction in that ſhire read And the petitioner allowed to ſee the act and to give in his particular reaſons againſt it before the ſecond reading.

THE Act in favours of the Queens vaſsals and tennents within the Iſles of Orkney and Zetland read and ordered to be marked a firſt reading.

PETITION by Collonell George McGill defireing the Recommendation of the Eſtates to her Majeſtie and the Lords Commiſsioners of Her Majeſties Theaſaury for relieving him of a debt contracted for Cloathing his Regiment read and granted.

MOVED that the Act for Limitations on the ſucceſsor to the Crown failling heirs of Her Majeſtie be conſidered.

MOVED that the Act for a Supplie receave a firſt reading, And after long Debate on theſe motions, It was Agreed that the Parliament ſhould next Sederunt proceed upon Overtures for liberty.

THE Lord Chancellour by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 16, 1703.

PRAYERS ſaid The Rolls called.

THE Minuts of the laſt Sederunt read.

THE following Acts receaved the Royall aſsent vi^{z}. Act for ſecureing the true Proteſtant Religion and Preſbeterian Government, Act Ratifieing the turning the meeting of the Eſtates into a Parliament, Act anent Leeſing makers and ſlanderers, Act for proving the tenor in favours of Anna Cockburn, Act anent peace and war, Act anent the publick Accompts, Act anent Butchers, Act in favours of the Company tradeing to Africa and the Indies, Act diſcharging the Importation of Iriſh victuall, Act continueing the prohibition of Exporting Engliſh or Iriſh wool till the next Seſsion of Parliament incluſive, Act in favours of William Montgomery and George Lind for a manufacture of Lame Purſelaine and Earthen wair, Act allowing the Importation of wines and other forraigne Liquors After which Her Majeſties High Commiſsioner made a ſpeech to the Parliament as follows.

My Lords and Gentlemen,

We have now paſt ſeveral good Acts for our Religion Liberty and Trade, which I hope will be acceptable to all her Majeſties good ſubjects, I wiſh you had alſo given the Supplies neceſsary for the maintaining of her Majeſties forces, and preſerving the peace and ſafety of the Kingdome, But ſince I hope this may be yet done in due time, and that beſides ſome queſtions and difficulties are fallen in that in all probability you can have no time now to determine, And that withall it is fit Her Majeſtie ſhould have time to Conſider upon ſome things that have been laid before her, And that we may know her mind therein more perfectly a ſhort Receſs appears at preſent to be neceſsary and that this Parliament be Adjourned for ſome time, And therefore I have ordered My Lord Chancellor to Adjourn this Parliament untill the tuelth day of October next.

THEN the Lord Chancellor by order of Her Majesties High Commiſsioner Adjourned the Parliament till Tueſday the tuelth day of October next.

SEAFIELD Cancellar. I. P. D. P.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN AT EDINBURGH, JULY VI, M.DCC.IV.

July 6, 1704.

PRAYERS said.

HER Majesties Commiſsion to John Marques of Tweddall for repreſenting Her Royall persone in this Seſsione of Parliament was read by the Lord Clerk Regiſter and ordered to be recorded.

ROLLS called.

THE Earle of Forfar protested in name of the Duke of Douglaſs that the calling of any other in the rolls of Parliament before him may not prejudge him of his first vote in Parliament.

THE Earle of Forfar protested alſo in name of the Earle of Sutherland againſt the calling any of the Earles before him in the rolls of Parliament.

THE Earle of Marr protested against the calling any Earles before him.

THE Earle of Eglingtoun protested againſt the calling the Earle of Glencairn before him.

THE Earle of Finlator protested againſt the calling the Earle of Airlie before him.

THE Lord Roſs protested againſt the calling the Lord Elphingſtoune before him.

HER Majeſties gift & commiſſion in favours of Mr James Johnſtone to be Clerk Regiſter was read and ordered to be recorded And he thereafter took the oath of alleadgeance and subscribed the samen with the aſſurance and took the oath of Parliament.

PATENT creating the Marques of Douglaſs Duke of Douglaſs read and ordered to be recorded.

PATENT creating the Marques of Athol Lord Privie Seal Duke of Athol read and ordered to be recorded.

PATENT creating the Viscount of Tarbet Lord Secretary Earle of Cromartie read and ordered to be recorded.

PATENT creating the Viscount of Stair Earle of Stair read and ordered to be recorded.

PATENT creating the Viscount of Roſeberry Earle of Roſeberry read and ordered to be recorded.

PATENT creating the Lord Boyll Earle of Glaſgow read and ordered to be recorded.

PATENT creating Sr James Stewart of Bute Earle of Bute read and ordered to be recorded.

PATENT creating Charles Hope of Hopetoun Earle of Hopetoun read and ordered to be recorded.

PATENT creating John Crawfurd of Kilbirnie Viscount of Garnock read and ordered to be recorded.

PATENT creating Sr James Primroſe of Carringtoun Viscount of Primroſe read and ordered to be recorded.

THE Duke of Argyle the Earles of Glencairn Bute and Hopeton the Viscounts of Dupline Garnock and Primroſe with the Lord Torphichen took the oath of alleadgeance and subscribed the samen with the aſſurance and took the oath of Parliament.

John Murray of Struan one of the commiſſioners elected for the ſhyre of Perth in place of the deceiſt Oliphant of Gaſk and James Sinclar of Stemſter one of the Commiſſioners elected for the ſhyre of Caithneſs took the oath of alleadgeance ſigned the samen with the aſſureance and took the oath of Parliament.

WARRAND given to the barrons and freeholders of the ſhyre of Edinburgh to meet on Tuesday nixt being the eleventh current to elect ane other commiſſioner for that ſhyre in place of Sr James Primroſe now promoted to be Viſcount of Primroſe.

WARRAND granted to the barrons and freeholders of the ſhyre of Linlithgow to meet on Tuesday come eight dayes being the eighteenth current to elect ane other commiſſioner in place of Charles Hope of Hopetoune now promoted to be Earle of Hopetoune.

WARRAND granted to the barrons and freeholders of the ſhyre of Air to meet on Wedensday come eight dayes being the nyneteenth current to elect a commiſſioner in place of John Crawford of Kilbirnie now promoted to be Viscount of Garnock.

WARRAND granted to the barrons and freeholders of the ſhyre of Bute to meet on Wedensday come eight dayes being the nyneteenth current to elect another Commiſsioner in place of Sr James Stewart of Bute now promoted to be Earl of Bute.

HER Majeſties Commiſſioner acquainted the Parliament that he had a Letter from Her Majeſtie to them but in reſpect many of the members were not yet come to town he thought it more proper to delay preſenting of the Letter till the Parliament were more fully aſſembled which he hoped would be nixt dyet and than then they would proceed to buſſines.

AFTER which the Lord Chancellor by order of the Lord High Commiſſioner Adjourned the Parliament till Tuesday nixt at ten a clock in the forenoon.

SEAFILLD Cancellar. I. P. D. P.

July 11, 1704.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Lord Regiſter did take the oath de fideli adminiſtratione in the uſuall manner.

THE Earle of Sutherland did take the oath of alleadgeance and ſubscribed the ſame with the aſſurance and took the oath of Parliament.

MOVED that Alex^r Bothwell now ſerved & retoured heir to the laſt Lord Halyrudhouſe may be marked in the rolls of Parliament conforme to his precedencie.

ORDERED that the wryts produced for inſtructing thereof may ly in the Clerks hands that the members may have inſpectione thereof.

HER Majeſties Letter to the Parliament preſented by her Majesties Commiſſioner read.

HER Majeſties Commiſſioner made his ſpeech to the Parliament and the Lord Chancellor did alſo make his speech both which speeches with her Majeſties Letter to the Eſtates were ordered to be printed.

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[THE Speech of his Grace John Marquiſs of Tweeddale, &c. Her Majeſties High Commiſsioner to the Parliament of Scotland, on Tueſday 11 July 1704.

My Lords and Gentlemen,

YOU have heard the Queens Gracious Letter, Her Majeſty therein expreſſes ſuch a concern for the good and wellfare of this Nation, and gives ſuch unqueſtionable proofs of it as prevents even your wishes. I do not in the leaſt doubt, but when you duely conſider the import of this Letter, you will be all of the ſame mind with me; that it is now in our power to make our ſelves and our poſterity happy.

Such indeed are Her Majeſties gracious condeſcenſions, that in order to obtain what is for our Good, we need only propoſe it, provided you do it, as no doubt you will, with the regard and deference that are due to ſo gracious a Soveraign, and that in your demands, you keep within juſt and reaſonable bounds, and ask nothing, but what is in Her Majeſty's power to grant.

If there be any thing yet wanting for the better ſecuring our Religion, and the preſent Church Government, as now by Law eſtabliſht, or for the ſuppreſſing of Vice & encouraging of Vertue If any Grievances to be redreſſed, & new Laws found neceſſar, as I doubt not but there will, for rectifying of abuſes crept into your Conſtitution or Adminiſtration of the Government, or any part of it, whether it be the Policy, or Juſtice, or for removing all Encroachments upon the Soveraignity or Liberties of this Nation, and the securing and preſerving theſe intire and inviolable to our ſelves and our posterity; I am fully empowered and inſtructed, not only in all theſe matters to give you what reaſonable ſatisfaction you can demand; but likewiſe in any thing may be propoſed, for improving of Learning, the advancing of Trade, and encouraging Manufactories: So that in effect nothing hath eſcap'd Her Majeſties care, that can any ways contribute to make you a flouriſhing and happy People, She reckoning the Wellfare, Peace, and Proſperity of Her Subjects the only way to Her own Greatneſs and Happineſs.

And yet as if all this were too little, Her Majeſty extends Her care for you further, in recommending to you, as you have heard, the ſettling the Succeſſion in the Proteſtant Line; and this Her Majeſty recommends to you, with all the earneſtneſs She is capable of, as that which is abſolutly neceſſar for ſecuring to your ſelves, and tranſmitting to your poſterity, your Religion, and Liberties, or whatever elſe you have, or can have that is valuable. Sure Her Majeſty can have no concern in this, but the intereſt of her People, which does ſo evidently require the ſettling of the Succeſsion, & the ſettling of it at this time; that I hope no true Proteſtant and lover of his Countrey will, when he hath ſeriouſly thought on it, find juſt ground to oppoſe it.

Her Majeſty having thus done Her part, and in a manner ſo good and generous, and evidently diſintereſted; it remains that we faill not to do ours, by letting go this great opportunity (which if now loſt, may poſſibly never be recovered) to deliver this Nation from the inconveniences and hardſhips that it hath lyen under ever ſince the Union of the Crowns, and which of late have grown heavier upon it.

Her Majeſty hath alſo recommended to you the Supplies that are wanting for the purpoſes mentioned in her Letter, which I need not repeat; for ſure there are none here, who are not convinced of the neceſſity of them, and who will not heartily concurr in giving of them, notwithſtanding the low circumſtances the Country is in at preſent; eſpecially ſeing Her Majeſty allows you to inquire into the miſapplications of former Funds given and appropriated by Parliament, and to take ſuch courſe as may prevent the like for the future.

One thing more I have to add, and that is concerning the buſineſs of the Plot, of which ſo great noiſe hath been made in our neighbour Nation: Her Majeſty hath allowed me to acquaint you, that in due time the whole matter ſhall be laid before you, and that She hath given the neceſſar orders for having both the perſons that have been examined in England, and the papers that relate to that affair ſent hither. Her Majeſty doubts not but your inquiries into this Plot, or any other practices of the like nature, will end in your laying down ſolid meaſures for preventing of them, or the fatal conſequences of them in time to come: And as to any queſtions or conteſts that may ariſe upon ſuch inquiries amongſt you; Her Majeſty hopes, that you will manadge them with all the temper and moderation that the nature of the thing will allow.

My Lords and Gentlemen,

I have ſpoke long, contrary to my way and inclination, and therefore I ſhall only add in a word as to my ſelf, that I am verie ſenſible of my unfitneſs for ſo great a truſt: But ſince ſuch is Her Majeſties pleaſure, I'le do my beſt; and I ſhall eſteem my ſelf very happie, if I can anyways contribute to bring matters to a settlement in this Nation. It is a great encouragement to me, I muſt own it, that the preſent opportunitie, in a manner, enables me to give, at the ſame time, the greateſt proofs that I can ever hope to give, of my duty to Her Majeſty, my love to my Country, and my reſpect to Parliaments, in particular to this Honourable meeting.]

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[THE Speech of James Earl of Seafield Lord High Chancellor to the Parliament of Scotland, on Tueſday 11 July 1704.

My Lords and Gentlemen,

YOU have heard Her Majeſties moſt gracious Letter, and what his Grace my Lord Commiſſioner hath been pleaſed to add; which do fully lay before you the weighty and great reaſons for which Her Majeſty hath called you together, at this time; and you muſt all be convinced, that the chief deſign of Her Majeſties Government, is to advance the Happineſs and Welfare of Her People, and to protect them in the full poſſeſſion and enjoyment of their Religious and Civil Concerns.

Her Majeſty doth with a very tender and affectionate concern, lay before you the danger of diviſions and animoſities; and recommends to you to employ your thoughts for promoting what is for the ſecurity and advantage of the Kingdom: And you cannot but be ſenſible, that our diviſions muſt encourage our Enemies abroad, to form deſigns to diſturbe the peace and tranquillity we now enjoy; and therefore, ye will, no doubt, make uſe of this opportunity, to convince all, that this Nation is fixt and firm in their loyalty to her Majeſty; and that all Her good Subjects will conſtantly ſupport Her Government.

Her Majeſty doth with great earneſtneſs recommend the ſettling of the Succeſſion to the Crown in the Proteſtant Line, as what would be the ſureſt foundation for the ſecurity of your Religion and Liberties, and will contribute greatly to the advancement of the Proteſtant Intereſt every where; and this being of ſo great conſequence, it is not to be doubted, but that you will think this the fit opportunity for taking it under your conſideration, while we have the advantage of being conveened in Peace under Her Majeſties Protection, and can deliberatly conſider what is the moſt probable mean for the future, to ſecure and preſerve all that is valuable to us; and for your further encouragement, you have heard how her Majeſty hath given full Inſtructions to Her Commiſſioner to grant ſuch Conditions of Government, with regard to the Succeſſor, as can reaſonably be demanded, for ſecuring of the Soveraignity and Liberties of this Kingdom; ſo that nothing is wanting on Her Majeſties part that is neceſſary for the eſtabliſhment and ſecurity of this Nation.

You know that Her Majeſty is ingadged in a moſt juſt and neceſſary War, for the defence of the Liberties of Europe, which makes it neceſſary that Supplies be given for maintaining the Forces, for repairing the Forts and Garriſons, for providing the Magazins with Arms and Ammunition, and for maintaining the Frigots which have proven ſo uſeful for the guarding of your Trade; All theſe being ſo plainly needful, it is not to be doubted, but that you will readily comply therewith: It is to be regrated, that the Nation is in ſo low a condition, but what we give is neceſſary for our own defence, and will circulat within the Kingdom; And Her Majeſty doth freely allow of taking inſpection of the Funds that have been given by Parliament, and appropriat for the publick uſe, and will take care that what ſhall be now given, ſhall be duly applyed.

Her Majeſty hath given frequent aſſurances of her reſolution to maintain the Eſtabliſhed Government of the Church, and hath recommended to you to fall upon effectual means for diſcouraging of Vice and Immorality, and for encouraging true Piety and Religion, and providing for, and imploying of the Poor.

The Trade of the Kingdom doth alſo deſerve your ſerious conſideration, for the advancement of which, and the improvement of the Product and Manufactories of the Kingdom, Her Majeſty gives you aſſurance of Her ready concurrance.

My Lord Commiſſioner has acquainted you that the Plot which has made ſo great a noiſe here and in our neighbour Nation ſhall be laid before you with all its evidences; and it is not to be doubted, but that you will take care to do therein, what is neceſſary for the diſcouraging of bad practices, which may tend to diſturb the peace and quiet of this Kingdom, and in all your proceedings in this matter, that you will avoid animoſities, and make it your principal care to provide for the publick Security and Peace.

My Lords and Gentlemen,

I ſhall conclude with recommending to you again the ſerious conſideration of what Her Majeſty has ſo earneſtly recommended; and that ye will improve this opportunity, which God hath given you, for ſecuring to your ſelves, and tranſmitting to your poſterity your Religion and Liberties, which will certainly be for your honour and happineſs, and will render you equally acceptable to her Majeſty and to all her Subjects.]

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THE Earle of Cromarty Lord Secretary made a ſpeech to the Parliament which was ordered to be printed.

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[THE Speech of George Earl of Cromarty Lord Secretary, to the Parliament of Scotland, on Tueſday July 11. 1704.

My Lord Chancellor,

ALBEIT this Seat wherein it has pleaſed Her Majeſty to place me, does allow, or rather oblidge me to ſay ſomething on this occaſion, yet my Lord high Commiſſioner and Lord Chancellor have ſaid ſo fully and ſo well, as I may juſtly fear what I can ſay will prove a diminutive adjection; but I ſhall ſpeak little, and (if I can remember) I ſhall not repeat. My Lord, ſhould all Her Servants be ſilent, the actings, the ſayings, the whole tract of Her Majeſties Government, and the happy effects thereof do ſpeak loudly, that if ever Prince or Soveraign have devoted themſelves to God and their Countrey, without flattery or hyperbole, we may truly ſay, that our moſt gracious Queen hath; All may hear, and those who have the honour to attend Her Majeſty, muſt ſee, that her time, her care, her pleaſure, her leaſure, her treaſure, yea her very health and life, are ſacrificed every day, and almoſt every time of the day, to actual exercife of devotion to God, or adminiſtration of Government to Her People; and we may bleſs God, that by His Bleſſing on her endeavours, all and every one of her Subjects do participate of the fruits of the Royal Sacrifice; nay, and all the beſt part of Europe beſide that is her Majeſties Confederats, and Her and their Enemies do find with grief what we feel with ſatisfaction: And tho her Majeſty has many Dominions under her Royal Care, and more Confederats; yet She omits not any of our particular concerns and we partake in our full capacity of theſe happy effects. We are with many others ingadged in a great, but (to full conviction) neceſſary War, the effects whereof are dreadful and hurtful not only in expenſe and ſouldiers (which all muſt afford) but the ſeing of people ſlaughtered like beaſts in our ſtreets and houſes, to ſee our towns on fire, our women raviſhed, our ſacred things prophaned, and many other diſmal effects of war and rapine, which, almoſt all others feel and ſee; We (thanks to God, and under Him to his Vicegerent our Queen) do only hear of. My Lord Chancellor, this we ought, and I doubt not we do remember and conſider. My Lord, this is not offered as an Elogy or Panegerick on her Majeſty; She is far above what I can ſay, but it is an antecedent to the following ſubſumption.

And as this of Her care of us, and zeal for us, is evident, ſo it is no leſs true, that the Queen ſits higher than we do, or ought to do on this Throne, as She does alſo on the Throne of her other Dominions. And farder, we know, that She is one of the Heads and highly ſituate, in all the great Confederacy; whereof Her Majeſty is, if not the Chief, yet a Principal, and from this both reaſon and diſcretion oblidge us to conclude that She muſt ſee very much farder, and more clearly into the actions, deſigns and practices of Her and our Enemies, and in the concerns, and in what directs and moves our allies than is poſſible for us to do; who both ſtand lower, and are bounded in our energies within narrower ſpheres: Therefore, as in all matters, ſo eſpecially in points of fact, we are bound to rely on her information and her judgment more than on our own, ſince what we can but conjecture, is obvious to her certain knowledge; and if we ſhould fall (as I confidently hope we will not) into the indiſcretion, to oppoſe our conjectures to her knowledge, that could not miſs of dire effects, and readily moſt miſchievous to our ſelves.

Her Majeſties Royal Letter, My Lord Commiſſioner his Grace, and my Lord Chancellor have plainly laid before us matters of great importance; Her Majeſty is very expreſs in what She propoſes, her reaſon and antecedent is as plain and expreſs as the concluſion; I hope the two motives I gave for believing, and conſequently for obeying her Majeſty are alſo plain and concluding.

My Lord Chancellor, the honour of being her Majeſties Secretary, oblidges me to obviat and remove an aſperſion on the Queens Majeſties candor & honour (if any ſuch inſinuation be made) which is, that ſome would perſwade others to believe that the Queen has a ſecret will in the affair now before us, contrary to her expreſs Will, revealed and declared by Her in her Royal Letter. My Lord, I am perſwaded She does hate that poſition in Theology, and I am certain She does ſo in her Politicks; and the reaſon of my certainty in this, is, that Her Majeſty did command me, and I think her other Servants, expreſsly to aſſure this Houſe, that nothing in her Service could pleaſe her better than if they ſhould believe and obey Her in what ſhe propoſes in her Letter; and nothing can diſpleaſe Her more than to do otherways.

My Lord, both old cuſtom and good manners oblidge us to begin with her Majeſties Letter, and in its method, if my zeal and duty on this ſubject have drawn me in to ſpeak more than I intended, or perhaps needed, I beg the Houſe's pardon; but ſince my hand is in, and that I neither uſe nor love to ſpeak oft, I ſhall only add my earneſt and humble wiſh for theſe two things, 1mo That the Orders of the Houſe may be ſtrictly obſerved, for by that much time will be ſaved, and many inconveniences prevented; and the not doing of this will diſgrace this great Court. The ſecond is, that we may redargue one another with kindneſs and civility, let our force fall on the ſubject which we oppugn, or the meaſure which we reject, and by no means on one anothers perſons: Wou'd to God we were always unanimous, but that ſeldom, if ever, was in ſo numerous a Court, or Council; But when we differ, will we argue the better by our being angry? No,

Impedit ira animum.

Will we convert others ſo well by making them angry, as by a meek calmneſs in arguing? Does ſpite add force to reaſon? or does it produce that conſent which we endeavour to obtain? So, for our own ſakes, and for the honour of our reaſonings, let us urge and reply with calmneſs. I have oft regrated to ſee good reaſoning loſt, or at leaſt ineffectual in great meaſure by the heats in arguing, and I will ſay, it were a pity, for the Members of great Courts elſe where may, in the opinion of many, ſpeak better language than theſe of this do; yet they do not ſpeak better ſenſe. And beſides theſe motives to calm reaſoning, this ought to determine us all againſt it, to wit, That neither our heat, nor our ſelf-pleaſing arguments, are what will determine any debate. The Law of Order, the Conſtitutions, Statutes, and neceſſity, gives the faculty of concluding to the whole of this Houſe; and all we can ſay muſt be ſubmitted to what this whole Houſe will approve, or to what the major part will agree in: And therefore, much reaſoning and all heats, will, on many accounts, be profitably forborn. I conclude with this aſſertion, which I think evident without diſcourſe, that, as the Union of Britain is apparently its greateſt politick good; ſo, as certainly, and by the infallible rule of contraries, a diviſion of Britain is its greateſt evil. And then, it is a neceſſary corollary, who ever is not for the Union of Britain may be concluded an Enemy to it.

Concordia crescunt, Discordia res dilabuntur.]

. . . . . .

THE Act and Orders to be obſerved in the Parliament houſe read and copies thereof ordained to be affixed on the doors and other places according to cuſtome And the Lord Chancellor did intimat to the macers to put the ſaid orders to executione as they would be anſuerable.

THE double electione of the Laird of Palgoun and Patrick Murdoch of Camlodden for the Stewartrie of Kirkcudbright in place of the deceist Murray of Bruchton appoynted to be heard the next meeting of Parliament

ACT Adjourneing the ſummer Seſſion to the firſt of November read and put to the vote Mark a firſt reading or Not, and Carried in the affirmative.

THE Lord Chancellor by order of My Lord High Commiſſioner Adjourned the Parliament till Thurſday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 13, 1704.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Lord Duffus who was absent the last Seſsion of Parliament took the oath of alleadgeance and subſcribed the same with the aſsurance and took the oath of Parliament.

THE Laird of Cavers renewed his protestatione made the last Seſsione of Parliament againſt the calling any other of the barrons repreſenting the ſhyre of Roxburgh before him he being the moſt antient barron and returned firſt in the commiſsione.

Sir James Foulis of Collingtoun one of the Commiſsioners for the barrons of the shyre of Edinburgh newly elected in place of Sir James Primroſe now promoted to be Viſcount of Primroſe took the oath of alleadgeance and signed the same with the aſsurance and took the oath of Parliament.

John Forbes of Culloden Commiſsioner elected for the ſhyre of Nairn in place of the deceiſt Duncan Forbes of Culloden took the oath of alleadgence and ſubscribed the ſame with the aſsurance and took the oath of Parliament.

ACT Adjourning the Summer Seſsione to the firſt of November next read for the ſecond tyme and voted and approven And then touched with the ſcepter by Her Majesties Commiſsioner in the uſuall manner.

THE double Electione for the Stewartry of Kirkcudbright called and a petitione from some of the freeholders read craveing to be heard againſt both the competing Commiſsioners and upon the illegality & unwarrantableneſs of the intimatione made be the Stewart depute with the protest taken by Murray of Barnhourie and the parties and their procurators being heard It was put to the vote Sustaine the intimatione or Remit and carried Remit And Tuesday come a fourtnight appoynted for a new Electione and a warrand granted for the ſame to the Stewart depute there nominatim to conveen the freeholders and barrons for that effect.

RESOLVE preſented by the Duke of Hamiltone that this Parliament will not proceed to the nominatione of a ſucceſsor untill we have had a previous Treaty with England in relatione to our Commerce and other Concerns with that Nation read and ordered to lye on the table And after ſome debate thereon It was agreed that the nixt dyet of Parliament they will in the firſt place reaſsume the conſideratione of this reſolve.

THE Lord Chancellor by order of Her Majeſtys high Commiſsioner Adjourned the Parliament till Monday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 17, 1704.

PRAYERS faid Rolls called.

Sir Hary Innes younger of that Ilk commifsioner elected for the fhyre of Elgine in place of the deceaft Robert Dunbar of Grangehill did take the oath of alleadgence subfcribed the fame with the afsurance and took the oath of Parliament.

MINUTS of the laft Sederunt read.

THE Duke of Hamilton moved that the refolve given in by him might be refumed unto confideration And being read after fome debate thereon another refolve was prefented by the Earle of Rothes and read in thir termes " Refolved that the Parliament will goe in the firft place unto the confideratione of such conditiones and regulations of goverment as may be proper to rectifie our conftitutione and vindicate and fecure the foveraignity and independancie of the Kingdome and then the Parliament will take into their confideration the refolve offered for a treaty previous to a nominatione" And after debeat upon both the faids refolves moved that both the faids refolves may be conjoyned in this manner viz. " Refolved that this Parliament will not proceed to the nominatione of a fuccefsor untill we have had a previous treaty with England for regulating our commerce and other concernes with that Nation And farder it is refolved that this Parliament will proceed to make fuch limitations and conditions of government for the rectificatione of our conftitutione as may fecure the religion liberty and independency of this Nation before they proceed to the faid nominatione" And after reafoning thereon the queftione was ftated Proceed to the two refolves Joyntly or Seperatly and carried Joyntly And thereafter put to the vote Approve the two refolves Joyntly or Not and carried Approve.

MOVED by the Duke of Atholl Lord Privy Seall that her Majeftie having been graciouſly pleafed to fignifie by her commifsioner that the examinatione of the plot fhould be laid before the Parliament that his Grace the Lord Commifsioner would be pleafed to wryte to her Majeftie to fend doune the perfones who were witnefses and all the papers relating to that plot as soon as pofsible that that affaire might be examined to the bottom and thefe who were unjustly and falsly accused might be vindicate and those who were guiltie might be punifhed according to their deservings.

THE Lord Chancellor declaired by order of the Lord Commifsioner that his grace had wrote and would again write to Her Majeftie to fend doune the heall evidents relating to the plot as soon as pofsible.

THEN the Lord Chancellour by order of Her Majefties Commifsioner Adjourned the Parliament till Wedenfday nixt at ten of the clock.

SEAFIELD Cancellar. I. P. D. P.

July 19, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE draught of ane act for two moneths supply payable at Lambas nixt with the draught of another act for fecureing free voteing in Parliament presented by the Duke of Hamiltone read Another draught of ane act presented by the Lord Justice Clerk blank in the sums but declaired by his Lordship to be for fourteen moneths supply payable in two years commencing from Whitsunday last read and all the saids acts ordered to ly on the table.

RESOLVE presented by the Duke of Hamiltone " that this Parliament will proceed to make such limitations and conditions of government for the rectificatione of our constitution as may secure the religion libertie and independencie of this Nation and that they will name Commifsioners to treat with England for regulating commerce and other concerns with that Nation previous to all other busines except ane act of two moneths supply first of all to be granted for the present subsistance of her Majesties forces."

MOVED that the Commifsioners appoynted by the last Sefsion of Parliament for inspecting the accompts of the publict fonds give in their report again the nixt dyet of Parliament to ly on the table that any of the members may have inspectione thereof.

MOVED that there be ane act brought in for fecureing against a popish fuccefsor.

MOVED that the Parliament may returne ane answer to Her Majesties most gracious letter and the same remitted till the nixt dyet of Parliament.

PETITION the Earle of Sutherland and the Laird of Grant mentioning a remit from the Lords of Sefsione and craveing a warrand to cite the Lords of Treasourie and others for misapplicatione of the pole money read and ordered to ly on the table till the said remit from the Lords of Sefsione to the Parliament be produced.

THE Lord Chancellour by order of the Lord High Commifsioner Adjourned the Parliament till Friday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

July 21, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT of difsolution from the Crown of the feu duties of Bute and others therein mentioned in favours of James Marquis of Montrofe read and the Earle of Bute craveing to be heard for his interest Ordered that a first reading be marked on the act and Her Majesties Advocat and the Earle of Butes procurators appoynted to be heard before a second reading.

MOVED that ane order for levying money in the paroch of Cramond may be censured as illegal and ane attested double thereof being read After debate thereon the farther confideratione thereof delayed to the nixt dyet of Parliament and the fubfcriber of the order and commander of the party and others concerned ordered to be cited.

. . . . . .

[WARRAND for Citeing Robert Rutherford.

HER Majefties high Commifsioner and Estates of Parliam[t] Haveing Confidered a Motion made in Parliam[t] for Cenfureing as illegall an Order fubfcribed by Robert Rutherford for Levieing money in the Paroch of Cramond for benefite of trade They hereby grant Order and Warrand to macers to Cite the faid Robert Rutherfoord fubfcriber of the forefd Order and the Commander of the party Executor thereof and all others Concerned to appear before the Parliament on Tuefday next With Certification &c.

SEAFIELD Cancellar. I. P. D. P.]

. . . . . .

THE petition given in by the Laird of Grant again taken into consideratione and the remit from the Lords of Sefsione being produced and another petition from the Earl of Sutherland being read Warrand granted for citatione in the termes of the said petitiones.

OVERTURE for ane Act prefented by Mr Fletcher of Saltone for nominateing persones to be Commifsioners to treat with England read.

THE Report given in by the Commifsioners appointed by the laft Sefsione of Parliament for inspecting the Accompts of the public fonds laid upon the table and ordered to be printed.

MOVED by the Duke of Hamilton that the Resolve presented by him with the Act for the two moneths supply may be again taken into consideratione.

LYKEWAYES moved that the Act presented be the Lord Justice Clerk and declaired by him to be for fourtein moneths supply payable in two years may be likewayes considered And after reasoning thereon the question being stated Whither a first reading should be given to the act for two moneths or the act for fix moneths cefs and Carried to the act for six moneths cefs And a first reading accordingly ordered to be marked thereon.

PETITION by the officers of the army and garrisones who want their cloathing and clearing read and ordered to be taken into confideratione before a second reading of the act of Supply.

.....

[TO His Grace Her Maties High Comissioner and the Right Honorable the Estates of Parliament
The Officers of the Army & Garrisons who wants their cleareing & clothing this fowerteen moneths
Humbly Sheweth

THAT they haveing been oblidged to Cloth the Regiments upon their owne private credit, And there being about fowerteen moneths arrears and clothing due to your petitioners, by reason of the founds last layed on expyreing at Whitfunday last, fo much therof as should have paid the forsaid arrears & clothing has been made ufe of and applyed for the subsistance & paying the forces since that time & by want therof many of the other officers are unable to satisfie their credit.

It is hoped that your Grace and the Right Honorable the Estates of Parliament, will not suffer, nor allow yor Petitioners to ly under such a burdin, as to make them and their private fortunes lyable for the said clothing, for which they stand personaly bound, and doe pay intrest therfor untill the same be satisfied, Nor that the other Officers credit should be broke, which must infalably be, if they obtaine not paymt of the said arrears, They being unable to satisfie there Creditors any other way, The prejudice of which must certainly circulate amongst many others of Her Majties good Subjects who has given them credit upon the faith of the said arrears.

May it therfor please yor Grace and Rigt Honorable The Estats of Parliament to take the premises into your consideration, and to give such orders thereanent as your petitioners and the other Officers may be paid off their forsaid arriers and clothing, & therby relived of the ingadgements they ly under on that account.

And yor Petitioners shall ever pray.

July 21, 1704.

Read in Parlt & appointed to be considered before concluding the Cefs Act.]

.....

PETITION by David Baillie prisoner in the Castle of Stirling craveing to be fet at liberty read and the desyre thereof granted he finding Cautione to appear before the Parliament when called.

PETITION by Mr Patrick Ogilvie sone to the Earle of Findlator craveing that he may have ane independent troup of dragouns to the end therein mentioned read and ordered to be considered before the act of Supply be read for the second time.

.....

[UNTO his Grace John Marques of Tueddall her Māties high Commifsioner And the Right honoll The Estates of Parliament
The Humble Petitione of Mr Patrick Ogilvie sone to the Earle of Finlattor
Sheweth

THAT your Grace & Lops petitioner has since the tuenty fourth of Septer last served upon the West Coast for hindering the importing of Irish meal, horse & catle, and has faithfully ansuered his trust in the said office with tollerable good succefs as many of your Lōps number who live on that coast can testifie But the pairty given to your petitioner being only a detatchment and most of them foot your petitioner has bein put to great trouble charges and expences throw the pairty its being severall times recalled and changed by the Generalls ordor And sometymes I wanted a pairty a moneth or six weeks at a tyme And the foot not being able to march so hard as was necefsar for following either the boats themselves or these who were carying away the prohibite goods whereby many Cargoes have escaped which opr wayes might have bein seized.

May it therefor please Your Grace & Lops to grant me ane independant Troup of Dragoons consisting of Sixtie Sentinells at least And allow me to choise such officers as may be fittest to serve under me in that post And to allow me such a sallery for defraying my extraordinary charges and procureing intelligence as your Grace & Lōps shall think fitt.

Pat: Ogilvie.

Edr 21 Julij 1704.

Her Maties high Commifsioner & the Estates of Parliāt having heard the within Petition they declare they will take the same to consideration befor the cefs act be finished.]

.....

PETITION the disbanded officers relateing to their arrears and subsistance read and ordered to be taken into confideratione with the Report from the Commifsioners for inspecting the accompts of the fonds.

THE Lord Chancellour by order of her Majesties high Commifsioner Adjourned the Parliament till Tuesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

[REPORT of the Commifsioners appointed for stating and examining the Public Accounts.

UNTO His Grace John Marquis of Tweddale Her Majesties High Commifsioner And The Honourable Estates of Parliament
The Report of the Commifsioners Appoynted for Stating and Examining the Publick Accounts.

May it Please Your Grace and Lordships

ACCORDING to the power given us by the Sixth Act of the last Sefsion of Parliament, we mett upon the 17 day of September 1703 And in order to the Discharging the trust reposed upon us, have fince that time made all posible Enquiry, into the publick fonds of Supply and Inland Excyze, from the 11th day of Apryle 1689 to the 1st of May 1701.

We have enquired into all the Extraordinary fonds granted in the feverall Sefsions of his Majestie King Williams Parliament, as of Hearth money Pole money and Tunnage.

We have examined the Accounts of the Admiralty, and enquired into the condition of the Kingdom in relation to Stores and Magazins.

We have ſtated the Arrears due to the Army as lykewyſe all the publick Debts Which Accounts we humbly preſume to lay before your Grace and Lordſhips in such a method as we judge may with the most eaſe give you a view of the Publick Management during the forsaid time.

THE FIRST ACCOUNT of Supply and Inland Excyze from 8th of March 1689 to 1st May 1690 was given in by Sir James Oswald then Generall Receiver The Charge wherof is as follows.

CHARGE	Scots Money Lib	s.	d.
1° Per a List of Rests given up by John Drummond and James Maxwell to the ſd Sir James Oſwald preceeding February 1689 -	468483	18	-
2° Per 4 months Supply - - - -	288533	6	8
3° Per ¾ of a years Inland Excyze from 1st Febry to 1st Novemr 1689 - - - - -	281903	4	-
4° Pr 6 months Inland Excyze from 1st Novemr 1689 to 1st May 1690 - - - -	153926	10	8
5° Pr the Inland Excyze of theſe ſhyres and Burghs that were in Collection from 1st November 1689 to 1st Novemr 1690 - - -	10596	-	-
	1203442	19	4

DISCHARGE			
1° By money paid to the forces - - -	1045873	2	-
2° By ¾ of a years Deficiency of Inland Excyſe in Argyleſhire - - - - - -	3994	4	-
3° By Exemptions of Mortified Lands and of theſe belonging to the Lords of the Sefsion -	4864	18	4
4° By the Accountants ſallary - - -	3600	-	-
5° By Rests of Inland Excyze and Supply -	135262	13	-
6° Ballance due by the Accountant - -	9848	2	-
	1203442	19	4

OBSERVATIONS upon this Account

1° That the Rests given up by John Drummond and James Maxwell extending to the ſoum of Lib 468483 : 18 as above were paid in, But the Account was never fitted before the Lords of the Thesaury Yet the ſame was audited by Lords Auditors and a balance found resting to them of Lib 8480 : 1.

2° That ther was paid to the Duke of Hamilton and the Earle of Melvill his Majesties Commiſsioners to the Parliament, To their Attendants And for neceſsarys to the Secretary's Office Lib 89100 as p the Thesaury's Accounts and the Minuts of our Committee daited the 19 October 1703.

3° That the ſoum of Lib 1200 was paid Sir Alexr Bruce of Broomhall for services done But we could not come to the knowledge of what theſe were.

4° That the ſoum of Lib 16558 : 4 was paid for proviſions to the English forces.

5° That the ſoum of Lib 1740 was paid to the Earle of Leven and Town of Montroſs for levying ſeamen to the English ſervice.

6° That the ¾ of a years deficiency of Inland Excyze by the ſhyre of Argyle as is mentioned in the Discharge was remitted to the heretours of that ſhyre by a Letter from the King.

7° That all the other Articles of the Discharge are fully instructed.

8° That the 5th and 6th Articles of the Discharge are carried to the ſubsequent account.

THE SECOND ACCOUNT of Supply and Inland Excyze from the first of May 1690 to the 1st of February 1691 was given in by Sir James Oswald and James Dunlop then Generall Receivers.

CHARGE			
1° Per pe Rests of Supply and Inland Excyze as p preceeding account - - - - -	135262	13	-
2° By Ballance of the forſaid account reſting by the ſaid Sir James - - - - -	9848	2	-
3° By 8 months Ceſs - - - - -	577066	13	4
4° By 3 months Ceſs more - - - -	216000	-	-
5° By 9 months Inland Excyze from 1st May 1690 to 1st Febry 1691 - - - -	230158	8	-
6° By the Inland Excyze of ſeverall ſhyres under Collection from 1st May 1690 to 1st February 1691 - - - - - - -	27585	16	8
7° By money remitted from England for the ſervice of the English forces then in Scotland -	48000	-	-
8° Ballance due to the Accountants - -	51420	13	-
	1295842	6	-

DISCHARGE			
1° By Cash paid to the forces and otherways by the Thesaury's Orders - - - -	£861736	4	6
2° By allowances to Charles Murray of Hadden and Young of Leny - - - - -	16864	-	-
3° By allowances to the Collectors of Inland Excyze in Aberdeenſhyre - - - -	239	11	4
4° By Provisions furnished to the forces -	252262	6	4
5° By payments allowances and rests as p particular account - - - - - -	136969	1	4
6° By the Inland Excyze of Argyleſhyre -	14471	2	6
7° By the Accountants ſallarys as Generall Receivers and Commiſsars of the army - -	12800	-	-
	1295342	6	-

OBSERVATIONS on this Account

1° That ther was paid to the Earle of Melvill his Majesties Commiſsioner to the third Sefsion of Parliament and to Sir William Lockhart ſollicitor Lib 62063 : 18.

2° That the fourth Article of the Discharge is instructed by a particular account But we find many articles in the ſaid account overcharged.

3° That ther were allowances given to the Collectors of the Supply for Lib 46680 By his Majesties Letters to the Thesaury.

4° That ther was resting by seall shyres of their Cess and Excyze the soum of Lib 78192 which was never carried to any subsequent account.

5° That the 3 months Cess imposed by the second act of the 3d session of Parliament K. W. & Q. M. was not applyed according to the design for which it was granted viz. for payment of the debts due to the Countrey and the arrears to the army.

6° That the Accountants in their Charge have omitted to state the fractions of Cess being Lib 400.

7° That the Ballance of Lib 51420 : 13 was resting to Sir James Oswald and James Dunlop, But we find that afterwards they received Lib 28653 : 1 Wherfor ther is still resting to them of the said Ballance the soum of Lib 22767 : 11 : 9.

THE THIRD ACCOUNT of Supply and Inland Excyze from 1st Feby 1691 to the first of Feby 1692 was given in by Sir George Hamilton and Sir Robert Anstruther Generall Receavers.

CHARGE	Scots money Lib	s.	d:
1° For 5 months supply	360666	13	-
2° Pr Inland Excyse from 1st Feby 1691 to 1st Feby 1692	329095	12	-
3° Pr the Inland Excyse which was in Collection from 1st Feby to 1st Novr 1691	14867	3	-
	704629	8	-

DISCHARGE			
1° By Subsistance to the forces from 1st Feby 1691 to 1st Jany 1692	575894	16	-
2° Per his Majesties Warrands	34800	-	-
3° Per the Thesaurys Warrands	28530	7	-
4° Per Deficients	63457	5	-
5° Per Expences for Charles Murray's Suspension	180	-	-
6° Per ărent of £11411 : 19 : 1 ster.	1540	9	-
7° Ballance due by the Accountants	226	11	-
	704629	8	-

OBSERVATIONS on this Account

1° That the 5th and 6th Articles of the Discharge should not have been allowed.

2° That the 4th and 7th Articles are carried to the subsequent accounts.

3° That all the other Articles of this Discharge are sufficiently Instructed.

THE FOURTH ACCOUNT of Supply & Inland Excyze from 1st February 1692 to the 1st of May 1693 was given in by Sir George Hamilton and Sir Robert Anstruther.

CHARGE			
1° Per Supply and Excyse resting in February 1692	63457	5	-
2° Per Ballance of the preceeding account	218	16	-
3° Per Inland Excyze resting by Bamf	112	7	-
4° Per 2½ months Supply at Candlemass 1692	180333	6	-
5° Per 2½ months Supply at Lambas 1692	180333	6	-
6° Per 2½ months supply at Candlemass 1693	180333	6	-
7° Per 15 months Inland Excyze	453000	-	-
	1057788	6	-

DISCHARGE			
1° By money paid to the forces and otherwayes	1007438	15	-
2° By rests of Supply and Inland Excyze	49447	2	-
3° By Ballance due by the Accountants	902	9	-
	1057788	6	-

OBSERVATIONS upon this Account

1° That ther was paid in to the Duke of Hamilton his Majesties Commissioner to the Parliament 1693 the soum of Lib 12000.

2° That the Accountants were allowed Lib 180 of poundage for advancing the sd soum.

3° That the Accountants had an allowance of Lib 1800 as poundage of Lib 72000 paid to Baillie Brand for arms notwithstanding that by their Contract with the Thesaury they were to have poundage only for what they advanced for the use of the forces.

4° That the Accountants had an allowance of Lib 600 for expeding their Commission as Commissars of the Army.

5° That the Accountants had Lib 240 allowed them for sending posts through the Countrey to stop the giving of Corn and Straw to the Troups tho' they had considerable sallarys for that effect.

6° The abovementioned soum of rests being Lib 49447 : 2 was never carried to any subsequent account Only the Lords of the Thesaury allowed Sir George Hamilton to collect the soum of Lib 20178 : 16 But ther was never ane stated account for the saids Rests.

7° That the forsaid Ballance of Lib 902 : 9 was depositat by the Accountants in the hands of Sir Thomas Moncrief but never counted for.

THE FIFTH ACCOUNT of Supply and Inland Excyze from the 1st of May 1693 to the 1st of October 1695 was given in by Sir James Oswald and Sir Alexander Bruce Generall Receivers.

CHARGE			
1° Pr 18 months Supply	1298400	-	-
2° Pr 23 months Inland Additional Excyse	552000	-	-
3° Pr 26 Months Inland Annexed Excyse	845600	-	-
4° Pr Levy Money for 1600 foot souldiers	28800	-	-
5° Pr the Inland Excyze of the shyre of Argyle from 1st Novemr 1692 to 1st November 1694	3082	11	-
	2727882	11	-

DISCHARGE			
1° Pr Payments made to the forces and otherwise	2213367	9	-
2° Pr Extraneous precepts	361587	10	-
3° Pr Rests of Supply and Excyze	115387	6	-
4° Ballance due by the Accountants	37540	6	-
	2727882	11	-

OBSERVATIONS on this Account

1° That ther was given to the Duke of Hamilton and the Marquis of Tweddale his Majesties Commissioner to the Parliament 1693 and 1695 lib 47400.

2° That ther was the foum of lib 64032 put in the hands of Sir Thomas Moncrief (in which is included the 902 : 9 as the ballance of pe 4th account) who discharged himself of a pairt therof viz. of lib 30909 : 5 applyed for the payment of arrears to some officers by the King's and Thesaury's warrands But the remainder viz. lib 33122 : 15 was wholly exhausted by fees and pensions to the Civill List.

3° That ther was given to Captain Wm Areskin lib 2255 over and above what was due to him of a bargain of Arms.

4° That ther was pd out by the Lords of the Thesaury upon my Lord Neill Campbell's account lib 1315 : 4 over and above what was due to him as Governour of Dumbartoun Castle.

5° That ther was a Ballance of lib 24714 : 10 charged upon Boyll of Kelburn now Earle of Glasgow and his pairtners as the remainder of their tack duty of Inland Additionall Excyze But we have found this cleared by a posterior acco[t] as p the Committees minuts 18 January 1704.

6° That ther was a Ballance resting by Sir Thomas Kennedy of his tack duty of the Inland annexed Excyze amounting to lib 80730 But the same is cleared by a posterior account as p the Committee's minuts 18 January 1704 In this account of Sir Thomas Kennedy's we observe that ther was given to him an abatement of his tack duty of lib 6000. 2° That ther was an allowance given to the shyre of Argyle of lib 20414 : 16. 3° That ther was a fist given to Sir Thomas for lib 28800 untill the determination of two processes before the Lords of the Session. 4° That when these processes are ended Sir Thomas will have lib 22464 to pay in to the Thesaury. 5° Ther was also in this account lib 12000 given to Sir Alexr Bruce of Broomhall.

7° Upon the forsaid 5th Account We Observe That the Accountants soght an allowance of lib 6980 : 7 as the poyndage of lib 255140 : 7 which should not have been allowed poyndage being only due according to their Contract out of the precepts drawen for the forces.

8° That the Ballance of the Account viz. lib 37540 : 6 was resting by the Accountants together lykewyse with lib 12000 more received from Sir Thomas Kennedy which they charge themselves with being in all lib 49539 : 12 But that afterwards by a posterior account they had cleared themselves of lib 34399 : 4 So that ther remains still a Ballance due by them of lib 15140 : 8 as p the Committees minuts 18 January 1704.

In the forsaid posterior account given in by Sir Alexr Bruce of Broomhall we find that ther was lib 30144 lent to the Duke of Queensberry and that his Grace's bond lyes still in the Thesaury for the same.

The Charge and Discharge of Sir Alexr Bruce's account has been examined but not fitted in the Thesaury.

THE SIXTH ACCOUNT of Supply and Inland Excyze from 1st October 1695 to 1st May 1697 was given in by Sir James Oswald and James Dunlop Generall Receivers.

CHARGE

1° Pr 6 months supply	432198 14	-
2° Pr 3 months supply	216099 6	-
3° Pr 4 months supply	288132 8	-
4° Pr 12½ months Inland Excize	969600 -	-
5° Ballance due to the Accountants	15881 11	-
	1921911 19	-

DISCHARGE

1° By payments made to the forces and otherwise	1576648 -	-
2° By money paid to the Muster master	4788 -	-
3° By Extraneous precepts	67229 6	-
4° By a pairt of the Tack duty of the Excyze detained by my Lord Belhaven and his pairtners extending to	273246 13	-
	1921911 19	-

OBSERVATIONS on this Account

1° That ther was the foum of lib 21000 given to the Laird of Jerviswood then receiver of his Majesties Rents to enable him to pay a precept drawen by the Lords of the Thesaury for the Behoof of the Earle of Tullibardin His Majestie's High Commissioner to the Parliament 1696.

2° That ther was lent to pe late Duke of Argyle lib 9437 : 4 for which his Grace's bond is still lying in the Thesaury.

3° That ther was given to Collonell Hamiltoun lib 2400 as a reward for his raising recruits in this Kingdom for the English Service.

4° That ther was given to Sir Archibald Murray of Blackbarronrie lib 7332 for Repairing the Castle of Edinburgh The accounts wherof were to be given in to the Thesaury with an attestation from my Lord Leven showing that the soum of lib 3600 of the forsaid lib 7332 had been profitablie expended in Reparations But we have seen no such attestation though Blackbaronrie hes instructed that all the money he received was exhausted by payments made to workmen and others.

5° That ther was lent to Collonell Hamilton for raising Recruits lib 588 for which his bond lyes in the Thesaury.

6° That ther was an allowance of lib 31680 given to the Accountants for forraging 2 Regiments of Dragoons for 3 months which soum includes 12d. p diem more for every horse then they had agreed upon with the Thesaury.

7° That ther was an allowance given to the accountants of lib 1200 for the loss of a Bark tho the article was not instructed.

8° That ther was an allowance given to them of lib 4716 : 16 as his Majesties pairt of Supply in Orknay and Zetland tho the article was not instructed.

9° That ther was an allowance given to them of lib 37770 for forraging the horse guards whilst upon the English Establishment.

10° That the fourth article of the Discharge is not fully cleared by my Lord Belhaven and his pairtners except as to the soum of lib 57379 given down by the Lords of pe Thesaury upon the account of legall allowances But as to the remainder we are of opinion that tho ther was an act of Parliament in his Lordships favours yet he is therby only stated in a Compt and reckoning with the Thesaury.

11mo That the Accountants in their Charge have omitted the fractions of Cess which amounts to lib 1300 : 6.

This Account was fitted in the Thesaury the 7th of March 1699.

THE SEVENTH ACCOUNT of Supply and Inland Excyze from the first of May 1697 to the 1st of May 1699 was given in by Sir George Hamiltoun and partners.

CHARGE

1° Pr 18 months supply	1296000	–	–
2° Pr 12 months Inland Excyze at 4d. p pint	384000	–	–
3° Pr 12 months Inland Excyze at 6ß p pint	499200	–	–
4° From Provost Hume and pairtners	60000	–	–
	2239200	–	–

DISCHARGE

1° Pr Payments made to the forces and the Admiralty	2002067	7	–
2° Pr Extraneous precepts	162704	7	–
3° Pr Rests of Inland Excyze and abatements as p accounts	74188	6	–
4° Ballance due by the Accountants	240	–	–
	2239200	–	–

OBSERVATIONS upon this Account

1° That ther was lib 48000 paid to the Admiralty for provyding Ships of Warr and clearing the ſeamen notwithſtanding that the Pole 1695 was wholly appropriated for that end.

2° That the Accountants had an allowance of lib 6132 for forraging the horſe guards during the ſitting of the Parliament in which ſoum ther is included 13ß p diem for each horſe more then what they had agreed upon with the Theſaury ſo that they had 18ß for each horse p Diem.

3° That they had alſo an allowance of lib 5449: 10 for forraging the ſaid Guards from 1st of September 1698 to 15th October therafter.

4° That ther was an allowance given to the Accountants of lib 4200 for forraging ſome horses over and above the number they had agreed upon with the Theſaury tho neither the number of horses nor the time they were forraged is instructed.

5° That ther was lib 12000 lent to the Duke of Queenſberry for qch his Graces bond lyes in the Theſaury ſo that his Grace is in all Dr to the publick for lb 42144.

6° That ther was an abatement of lib 12000 given to the tacksmen of the 4d. excyze upon the pint anno 1698.

7° Ther was given up in the Diſcharge lib 56104: 5 reſting of ſupply & excyze by ſeverall Shyres and Burghs But ther is only lb 38504 carried to any ſubſequent account So that lib 20104: 5 is ſtill reſting by the tacksmen of the Excyze and others.

8° That ther was an abatement of lib 6000 given to the tacksmen of the 6d. excyſe upon the pint anno 1698.

9° That the Accountants in their Charge have omitted the fractions of ſupply that make the ſoum of lb 2400 ſtill reſting by them.

This Account was fitted and diſcharged to the Accountants by the Theſaury upon the 20th of February 1700.

THE EIGHT ACCOUNT of Supply and Inland Excyze from the 1st of May 1699 to the 1st of May 1701 was given in by Sir George Hume and pairtners.

CHARGE

1° Pr 14 months Supply	1008000	–	–
2° Pr 2 years Inland Excyze	612000	–	–
3° Pr Rests of Excyze as p preceeding account given in to the Accountants by Sir George Hamilton and Ferguslee	36000	–	–
4° Pr Ballance reſting by Sir George Hamilton	2504	–	–
5° Ballance due to the Accountants	19898	11	–
	1678402	11	–

DISCHARGE

1° Pr Payments made to the forces amounting to	1647263	10	–
2° Pr Extraneous precepts	28538	6	–
3° Pr Exemptions of Supply	2600	15	–
	1678402	11	–

OBSERVATIONS upon this Account

1° That the Accountants have charged themſelves with no more of the Excyze then they received viz. lb 612000 But the Excyze being at that time fermed by Baillie Menzies for lib 480000 p annum ther is reſting by him to make up the compleat tack duty for two years lib 348000 as p the Committee's minuts 25 January 1704 where are inſerted the reaſons of the Deficiency.

2° That ther was given to the late D. of Argyle for privat Intelligence lib 582.

3° Lykewyſe to Major Generall Ramsay for privat Intelligence lib 1200.

4° To the Accountants lib 13996: 16 for forraging the horſes belonging to the troup of Guards from 15th May to 20th Septemr 1700 In which ſoum ther is included 13ß p diem more then they had agreed upon with the Theſaury.

5° That the Accountants had an allowance of lb 862: 9 upon the account of the diminution of the quota of Ceſs in Perthſhyre which they ſhould not have had becauſe the diminution of the valuation of Perthſhyre increaſed that of Fyſe and Kinroſs.

6° That the Accountants in their charge omitt the fractions of Ceſs which amount to lib 1840.

This Account was fitted and diſcharged to the Accountants upon the 3d of March 1702.

GENERALL OBSERVATIONS upon the Fonds of Supply & Excyze from the year 1689 to the year 1701.

1° That ther was granted in the ſeall ſeſsions of King William's Parliament during the forſaid Intervall 88 months Ceſs which extends to lb 6336000 But that ſome Shyres and Burghs had their Quotas therof remitted to them by his Majeſties warrands.

2° That the Tack Duties and Collections of Excyze did amount to lib 5469558: 14: 8 But this ſoum was not all brought in to the Theſaury, by reaſon of Deficiencys allowances and abatements.

3° That the ſaid Deficiencys allowances and abatements which are mentioned in our Obſervations extend to lib 759208: 8 Beſydes many others which we paſſed over Becauſe pretended to as

legall allowances and deductions upon the account of Manufactorys Castles and Garrisons &c.

4° That the frequencie of granting abatements to Tacksmen of the Excyze did give great encouragement for overbidding in roups, which we leave to the Estates of Parliament to determine whether or not this tended to the oppresion of the Liedges.

5° That the foums mentioned in our Observations as given upon the account of provisions to the English forces and for raising recruits to their service extending to lib 58468 : 4 is over and above the 48000 remitted from England we having found the said foum expended for their behoof as p the Thesaurie accounts.

6° That the seall foums given to his Majesties High Commissioner and others of the Civill List from 1690 to the 1695 extend to lib 210063 : 18 But we leave it to the honourable Estates of Parliament to Consider how farr these can be called misapplications since ther was no strict appropriation of the Excyse for the use of the army until the Parliament 1695 for since that time we find nothing advanced for the behoof of the Civill List except the foum mentioned in our first observation upon the sixth account which is repaid in pt of a ballance due to Sir James Oswald and James Dunlop in the second account.

May it Please your Grace and Lordships

Having laid before your Lordships all the accounts of Supply and Inland Excyze from the 11th of Apryle 1689 to the first of May 1701 we beg leave to represent that here we are obliged to close our report as to these fonds By reason the books of accounts and other instructions relating to the supply and excyze from the first of May 1701 to this present time are still in the hands of the Generall Receivers and Commissars of the army and not as yet stated before the Right Honourable the Lords of the Thesaury But we acquaint your Lordships that we have given all necessary orders to the end these books and instructions may be in readiness to be laid before you so soon as it is your pleasure to call for them and in the meantime we proceed to give your Grace and Lordships an account of the extraordinary fonds as the Hearth money Pole money and Tunnage after the same method we observed in the Supply and Excyze.

ACCOUNT of the Hearth Money.

The first extraordinary fond granted since the 11th of Apryle 1689 was the Hearth money by Parliament K. W. and Q. M. sesion 3d act 3d Which fond was by the said act strictly appropriated for paying the Debts due to the Countrey and the arrears to the Army being 14ß for each hearth in the Kingdom to be paid in at Candlemas 1691 without exception or exemption of any but the hearths of Hospitalls and of such poor as lived upon the charity of the parioch. For the bringing in therof Mr James Melvill of Cassingray was made principall Collector with power to him to name his subcollectors for whose intromissions he should be lyable as p his bond as prinst and the Earl of Leven as Caür lying in the Thesaury.

The CHARGE of the Hearth Money

1° By payments made to him and his Subcollectors from severall shyres as p particular account	151921	8	-

DISCHARGE

1° By payments made by him to the forces upon the Thesaurys precepts as p accot - - -	137533	9	-
2° By the Subcollectors Sallarys conform to the Lords of the Thesaury's Establishment - -	7008	3	-
3° Ballance due by Cassingray - - -	7379	16	-
	151921	8	-

OBSERVATIONS on the Hearth Money.

1° That Cassingray in his Accounts hes stated 8677 hearths belonging to Hospitalls and poor people living on charity, as to which ther can be no objections these being excepted in the Act.

2° That he hes stated 12687 hearths deficient in their payments But over and above that number ther was a whole parioch deficient in the shyre of Air. The whole lands pertaining to the sherrif of Murray. The whole lands pertaining to Grant of Elches. The whole lands pertaining to the Laird of Calder. The whole parioch of Claich. The whole lands pertaining to the Laird of Dunmaglash. Lykewyse the houses of Rothesay Kinross Leidingtoun and Pinkie.

3° That he hes omitted to state the charge of hearths in the shyres following viz. Dumfries Kincardin Ross Cromartie Nairn Elgin and the stewartrie of Orkney and Zetland But acknowledges to have received lib 6230 : 8 in pairt of the hearth money of the shyres of Ross Dumfries Elgin Nairn Cromartie Orknay and Zetland : The subcollectors of these shyres not having given in their Books nor deponed upon the same.

4° That after he had stated his account with the Thesaury the subcollector of Elgin and Nairn gave in his Books to the Thesaury wherin he makes the number of the hearths of that shyre to extend to 3145 hearths Lykewyse that the subcollector of Kincardin gave in his books wherin the hearths of that shyre extend to 3628 But did not depone upon the verity of his list nor never counted with the Thesaury.

5° That ther was no books produced by the subcollectors of the shyres of Dumfries Ross Cromartie Orknay and Zetland.

6° That of the foum of lib 137533 : 9 mentioned in Cassingrays Discharge there was lib 109081 : 9 applyed for payment of the arrears dew to the forces wheras by the act of Parliament it should have been applyed for payment of debts due by the army to the Countrey in the first place. Lykewyse out of the forsaid lib 137533 : 9 we find the foum of lib 28452 paid for subsisting the forces then standing which we humbly conceive was imployed also by the Lords of the Thesaury contrary to the design of the act.

7° That the Ballance of lib 7379 : 16 mentioned in the Discharge was paid up, or at least that ther wer precepts drawen upon Cassingray for the same we having seen these precepts marked in the Thesaurie books. But becaus sufficient documents were not produced for instructing that the persons to whom the Ballance was payable had received the same Therfore we allowed the Earle of Leven a Diligence for recovering any writs that were wanting to instruct the forsaid payments as also to bring in all the Collectors who had not deponed upon the verity of their books nor counted for their intromissions.

ACCOUNT of the Pole Money 1693.

By the Parliament 1693 Act 9. Pole money was granted for paying the Debts due to the Countrey and arrears to the Army from the 1st of Novemr 1689 to the first of February 1691 and strictly appropriated for that end.

The Lords of the Thesaury set the same in Tack to my Lord Ross Sir John Cochran of Ochiltrie Sir Robert Stewart of Allenbank Sir George Hamilton of Barntoun Sir James Oswald of Fingletoun Baillie James Graham William Cunningam of Brownhill and James Dunlop Collector being 8 principall tacksmen bound to the publick in solidum for a Tack Duty of lib 529200 payable at two terms viz. at Candlemas and Whitsunday 1695.

Thefe 8 principall Tacksmen were afterwards joyned with 14 copairtners being in all 22 tacksmen and accordingly they proceeded in the management of the Pole But becaufe of the difficulties occurred to them in the inbringing therof the Estates of Parliament anno 1695 Act 31. thought fit to turn the tack into a Collection fo that the forfaid 22 tacksmen became therafter lyable only as Collectors and countable for their intromifsions In the fame act the Parliament appoynted Commifsioners to determin in all things relative to this Pole wherupon the faids Commifsioners according to a power given them did fet the Pole in tack a fecond time to my Lord Belhaven the Laird of Grant Sir John Houston of that Ilk and Sir Robert Dickson of Sornbeg for a Tack duty of lib 360000 wherof the Laird of Jerviswood is made Generall Receiver.

The faid Commifsioners after they had ordered feall payments to be made to the Countrey they reported their proceedings to the Parliament 1698 Wherupon it was remitted back to them to judge in all the difficultys they had found during their Commifsion with a Parliamentary power But matters not being fully ended by them ther was a new Commifsion appoynted by the Parliament 1701 and inftructed lykewyfe with the fame power. The Lords and others of the fecond Commifsion thought fit to break the fecond Tack of the Pole and turn it again into a Collection the 22 abovementioned tacksmen being still lyable as Collectors.

CHARGE of the Pole money 1693 upon the Collectors

Collected of pole money by the feall Collectors	291376	6	-

DISCHARGE

1° Paid in to Jerviswood Generall Receiver -	223705	10	-
2° Allowed to Collectors for their Expences by the fecond Commifsion of Parliament - -	12000	-	-
Ballance due by the Collectors - - -	55670	16	-
	291376	6	-

OBSERVATIONS on the Pole 1693

1° That the Breaking the fecond Tack of the Pole was an eafe to the Nation but a lofs to the Army.

2° That the forfaid foum of lib 223705: 10 paid in to Jerviswood was duely counted for by him being exhausted upon precepts from the Thefaurie and the first Commifsion of Parliament except as to lib 4359: 6 ftill in his hands.

3° That the Countrey looking upon what was owing by the army to be a desperat debt fuch disadvantageous transactions were made as the half of what was owing came to be lost, befydes feverall foums are yet owing to the Countrey which are neither paid nor transacted.

4° That the Ballance due by the Collectors viz. lib 55670: 16 was by the fecond Commifsion of Parliament ordered to be put in the hands of Archibald Houston their Clerk and now by our order transferred to Walter Riddel our Clerk which at prefent is the only fond remaining for payment of the arrears due to the army from the first of November 1689 to the 1st of February 1691.

May it please your Grace and Lordships

We humbly Repreſent that tho we are invested with a parliamentary power to divide the forfaid Ballance yet finding feverall difficulties in the Dividend we must apply to your Lordships for advyce to determin after what manner it must be done And for the more ease to your Lordships or any other Commifsioners whom you shall appoynt We prefume to acquaint you that ther ar two fchemes of a Dividend in the custody of our Clerk which when Considered by your Lordships we hope will give fome light in this matter.

ACCOUNT of the Pole 1695.

This Pole was granted by the Parliament 1695 for provyding fhips of war and mantaining feamen for the defence of the Coasts with a compleat number of land forces After this Pole had been in Collection for a year the Lords of the Thefaury fet the fame in tack to John Campbell of Knockrioch principall tacksman and to Hugh Cunningham and others his pairtners for the foum of lib 276000.

CHARGE of the Pole 1695.

Pr the Tack duty of the Pole - - -	lib 276000	-	-
Ballance due to the tacksman and pairtners	16380	-	-
	292380	-	-

DISCHARGE of the Pole 1695.

1o By Cash given in to the Admiralty - -	237120	-	-
2o By 7 p Ct allowed Sir James Ofwald for collecting lib 175200 - - - - -	12264	-	-
3o By the Embazlements of Collectors - -	16596	-	-
4o By the Quadruples of the Pole of the army	17760	-	-
5o By the Pole of the Episcopall Clergie -	6000	-	-
6o By allowances to Collectors - - -	2400	-	-
7o By Lofs of money cryed down - -	240	-	-
	292380	-	-

OBSERVATIONS on the Pole 1695.

1° That the third Article viz. the Embazlements of Collectors is not inftructed, and supposing it were, yet we are of opinion the tacksman and his pairtners were bound to the publick for the whole tack duty tho the whole Collections had been embazled.

2° That the Quadruples of the army fhould not be allowed fince their pay was in the hands of the Commifsars and fince the Thefaury muft be confidered as the common debtor.

3° That ther fhould be no allowance for the Pole of the Episcopall Clergy unlefs ther number were instructed considering that none but the Episcopall minifters in Edinburgh were excepted all other minifters being liable in their Pole as Gentlemen.

4° The lib 2400 mentioned in the Sixth Article of the Discharge was not instructed except allanerly the foum of lib 300.

5° That this Pole having been for a long time under Collection hes occafioned a confiderable lofs in the famen.

6° That wheras the tacksmen pretend to a Ballance of lib 16380 as is mentioned in the Charge, they will be indebted to the publick in lib 26376 untill the forfaid Obfervations be cleared, which will appear more clearly by our Minuts 11th Febr 1704 and by the Minuts of our Committee 17 Decemr 1703 and thefe of the 11 January 1704.

ACCOUNT of the Pole Money 1698.

Two Poles were granted by the Parliament 1698 for clearing the arrears due to the land and fea officers as lykewyfe to the feamen belonging to the fhips of war, with preference to thofe to whom any cloathing money was due befor 1691.

The ſaid two Poles were ſet in tack by the Lords of Theſaury and Exchequer to William Cochran of Ferguslee and his Cautioners for a Tack Dewty of lib 241200.

CHARGE of the Pole 1698.

Pr the Tack Dewty	241200 – –

DISCHARGE

1° Pr Payments made upon precepts from the Theſaury	193522 16 –
2° Pr Payments made to the ſeamen in pairt of their arrears	9600 – –
3° Ballance due by Ferguslee	38077 4 –
	241200 – –

OBSERVATIONS on the Account of the Pole 1698.

1° That the firſt Article was fully instructed and applyed to the ends and uses for which the ſaid Poles were granted but no preference given upon account of the cloathing monie.

2° That tho Ferguslee does Discharge himſelf of the ſoum of lib 9600 paid to ſeamen yet by examining his accounts we find not above lib 7200 had been paid to them which he being queſtioned upon, acknowledged that becauſe he had obliged himſelf to pay up the remainder, he had inserted that Article in his Discharge.

3° That ſeall Complaints were made upon Ferguslee by the ſeamen as having obliged many of them to grant receits for the whole of their arrears wheras they received but the half.

4° That the Ballance of Ferguslee's account viz. lib 38077 : 4 is ſtill reſting by him But in order to his exoneration ther was a Memoriall given in by him now in our clerks hands wherin he repreſents his grievances and the reaſons of his deficiency.

ACCOUNT of the Tunnage.

By an unprinted act anno 1695 ther was 16 ß impoſed upon each tun of forreign ſhips trading in this Kingdom and 4 ß Scots on the tunn of each Scots ſhip above 12 tuns burden.

This Imposition commenced the 1st of August 1695 being appoynted for carrying on an accouut of the ancient and preſent ſtate of this Kingdom and a Geographicall description therof by Captain Slezer and John Adair and was to be uplifted by the Collectors of the Customs who were made lyable for their Omiſsions as well as their Intromiſsions.

Upon the 1st of Septemr 1698 the Parliament did by a new Act reduce the Impoſition of 16 ß p tun on forreign ſhips to 8 ß Scots p tunn for encouraging thoſe who would export Coall and raiſed the forſaid Imposition to 24 ß p tun to be exacted from all other forreign ſhips arriving in this Kingdom upon the account of any other trade.

This new Imposition with the above mentioned 4 ß on our own ſhipping was continued 5 years to be applyed for keeping up the three frigats belonging to the Government and for mantaining a Profeſsor of Law at Edinbr in ſo far as ther ſhould be an Overplus in the Tunnage more then what ſhould be found due to John Adair & Capt Slezer.

CHARGE of the Tunnage upon the Collectors from 1st August 1695 to 1st Febry 1698

By Collections	21339 – –

DISCHARGE

For printing preſses types paper and other charges for promoting the Geographicall Description of this Kingdom by John Adair	12840 – –
To Capt Slezer	4800 – –
To Sir Archibald Saintclair and Hugh Brown	3300 – –
Ballance resting by the Collectors	399 – –
	21339 – –

This is the best account we can give your Lordſhips of the Tunnage untill the year 1698 for tho nothing has been wanting in our pairt to the making up of a more exact charge upon the Collectors by considering the Report books belonging to the ſeall Cuſtom houſes and the books of the lights of May island Yet our indeavours hath hitherto been unſucceſsfull however we have good reaſon to think that if this fond had been rightly mannaged it had turned to a much better account.

We have ſucceeded no better in our Inquiry into the ſame from the first of February 1698 to the first of Septemr 1703 Only by a modest computation, and with respect to the first charge we apprehend that at least the ſoum of lib 44000 ought to be charged upon the Collectors But we hope ther will be ſuch meaſures laid down by Sir Andrew Home now Generall Collector of that fond as will prove effectuall for giving your Lordſhips ſatisfaction.

We muſt lykewyſe repreſent to your Lordſhips that four of our number did viſit Mr Adairs work who told us it was farr advanced and deserved encouragement.

We next proceed to give your Lordships an account of what money was paid in to the Admiralty.

The ACCOUNTS of the Admiralty given in by Hugh Cunningam

CHARGE upon the Admiralty.

1° By Cash received out of the Pole money and otherways	237558 – 9
2° From Sir Andrew Myretoun p the Theſaury's precept in Sir George Hamiltons account	48000 – –
	285558 – 9

DISCHARGE

1° For provyding ſhips of war and mantaining the ſame with other neceſsarys therto belonging	273558 – 9
2° Given to Sir Andrew Myretoun	12000 – –
	285558 – 9

OBSERVATIONS on the Accounts of the Admiralty.

1° That the firſt article hes been considered by a particular account and found fully instructed and applyed for the uſes of the Admiralty.

2° That the lib 12000 mentioned in the Discharge as given to Sir Andrew Myreton he retained the ſame for advancing lib 36000 of the Theſaury's precept mentioned in the Charge.

3° That considerable Arrears are owing to the ſeamen amounting to the ſoum of lib 84000 or therby.

May it Please your Grace and Lordſhips

We are ſorry that a report ſo full and ſatisfactory cannot be made to your Lops concerning the Stores and Magazines as we

could wish Becauſe we never could come to an exact knowledge of what proviſions of Arms were in the Kingdom upon the 11th of Apryle 1689.

Your Lordſhips will ſee in the Minuts of our Committee dated the 18 day of June 1704 how farr our Inquiry went in the Records of the Theſaury and other accounts as to this matter and be pleaſed to know that ſix of our number viſited the Castle of Edinburgh who reported to us that they found the ſouldiers and great guns in very good order and that the preſent ſtate of the Magazins deſerved very much your Lordſhips consideration A more particular account of the ſame being in the custody of our Clerk.

We lykewyſe acquaint your Lordſhips that beſydes ſuch arms as are in good condition we found 9000 ſtand of old arms which might be improven very much to the advantage of the Nation.

The next thing we find ourſelves in dutie bound to acquaint you with is that tho the ſtanding forces ſince the year 1693 were paid as compleatly according to the Establishments Yet by the Check Muster Rolls ſubt by the Magiſtrats of the places where the muſters were made it is evident that for the ſpace of ſome years therafter the ſeall regiments and companys were ſeldom or never compleat but deficient in considerable numbers.

We cannot poſitively affirm who muſt be answerable to your Lordſhips for theſe abuſes the Muster Master Generall being now out of the Kingdom who we doubt not is able to enform your Lordships better of this matter than we can Only in all humility we muſt repreſent that this deſerves your Lordſhips conſideration that a right method may be ſallen upon for preventing the lyke in tyme coming.

We will now give your Lordſhips an account of what arrears are resting to the army from time to time and will ſubjoyn to it an abstract of ſuch clear debts and reſts that are ſtill owing to the publick by the particular tackſmen and collectors named in the preceeding accounts.

ACCOUNT of Arrears due to the Army for clearings and cloathing money from the first of November 1689 to the 1st December 1700.

Resting to the Army from the 1st Novemr 1689 to 1st Febry 1691	374477	15	9
From the 1st Febry 1691 to 1st Febry 1693	107828	17	–
From 1st Febry 1693 to 1st January 1698	171324	2	–
From 1st January to 1st July 1698	45510	9	–
From 1st July 1698 to 1 Decemr 1700	637132	2	–
	£1336273	05	9

OBSERVATIONS upon the Arrears due to the Army

1o That if the forces had been paid according to their numbers as they were mustered a far leſs ſoum had been reſting to them.

2o That the Eſtabliſhments were Encreaſed from time to time and no ways proportionable to the ſonds appoynted by the Parliament.

3o That the Deficiencys, Allowances and Abatements in the Tack Dutys of Excyze gave occaſion to the abovementioned arrears.

ACCOUNT of what is resting to the publick of the Ceſs, Excyze, Hearthmoney, Polemoney, and Tunnage ſince the year 1689, to 1701.

Rests of Ceſs and Excyze as p our observaons on 2d account	78192	–	–
By the fractions of Ceſs omitted in 2d accot	400	–	–
By the Rests of Ceſs and Excyze as p Discharge of 4th account	49447	–	–
By Sir Thomas Moncrief to account of the Civill list	33128	10	–
By Sir Thomas Kennedy of his Tack Duty of Excyze	22464	–	–
By Broomhall as the ballance of the 5th Account	15140	8	–
By the Duke of Queensberry's bonds	42144	–	–
By the late Duke of Argyle's bond	9437	4	–
By Collonell Hamilton's bond	588	–	–
By the fractions of Ceſs omitted in 6th Account	1300	6	–
By rests of Ceſs and Excyze not carried to any ſubſequent accot as p our Observation on the 7 Account	20104	5	–
By fractions of Ceſs omitted in the 7th Account	2400	–	–
By Baillie Menzies & Capt Wood of their tack dewty of Excyze	18000	–	–
By the fractions of Ceſs omitted in the Eight Account	1846	–	–
By the Collectors of the Pole 1693	55670	16	–
By Jerviswood of the Pole'money 1693	4350	16	–
By the tacksmen and pairtners of the Pole 1695 untill 4 articles of their accounts be instructed	26376	–	–
By the tacksmen of the Pole 1698	38077	4	–
Total of rests extends to	749066	9	–

Beſyde thes Debts owing to the Publick ther will be considerable ſoums resting out of the Hearth money and Tunnage theſe ſonds not being brought as yet to any distinct Charge.

May it Please your Grace and Lordships

We have now put a close to our Report and hope that your Lordſhips will Excuſe us if any mistake be found in it or if we have not answered the Expectations of this honourable Houſe in any poynt of our Commiſsion.

By order and warrant of the Commiſsion

NORTHESK I. P. C.]

July 25, 1704.

PRAYERS said Rolls called.

THE Earle of Caithneſs who was absent the *laſt Seſsione* of Parliament took the oath of alleadgence and subscribed the same with the aſsurance and took the oath of Parliament.

John Brisbain younger of Bishoptoun newlie elected one of the Commiſsioners of the barrons for the shyre of Air in place of John Crawfoord of Kilbirnie promoted to be Viscount of Garnock took the oath of alleadgence and subscribed the same with the aſsurance and took the oath of Parliament.

John Stewart of Kinwhinlick newlie elected one of the Commiſsioners of the barrons for the shyre of Bute in place of Sir James Stewart of Bute promoted to be Earle of Bute took the oath of alleadgence and subscribed the same with the aſsurance and took the oath of Parliament.

Mr John Montgomerie of Wrae newlie elected one of the Commiſsioners of the barrons of the shyre of Linlithgow in place of Charles Hope of Hopetoun promoted to be Earle of Hopetoun took the oath of alleadgence and subscribed the same with the aſsurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

THE act of Supplie again taken into consideratione and the Act of Security being offered as a clauſe to be added to the act of Supplie read and after debate thereon The following resolve was offered be the Lord Roſs "Resolved that the Parliament will proceed to grant two moneths Supplie for subsisting her Majesties forces and as soon as the act of Security now read has got the royall aſsent will give four moneths Supplie more."

AND then a second resolve presented by the Earle of Roxburgh viz. "Agreed and resolved that there be a first reading marked on the act of Security and that both this act and the act for the Supply lye without being furder proceeded on untill his grace her Majesties Commiſsioner receave instructions as to the act of Security it being then free to the Parliament to proceed to the acts joyntly or seperatly as they shall think fit" And after reasoning on both the saids resolves The question was stated Approve the first resolve presented by the Lord Roſs or the second resolve presented by the Earle of Roxburgh And carried Approve the second And the act of Security being read a first reading was ordered to be marked thereon.

MY Lord Commiſsioner and the Estates of Parliament appoynted the next dyet of Parliament for discuſsing privat busines.

AGREED that previous to all other busines the act of diſsolution in favours of James Marquis of Montroſe be taken into consideration.

PETITION Doctor Chamberlain craveing a warrand to cite his Creditors in order to a protection read and the desyre thereof granted.

THE Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till Thurſday the third of August at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 3, 1704.

PRAYERS said Rolls called.

COMMISSION Alexr Mckie of Palgoun newlie elected one of the Commiſsioners for the Stewartrie of Kircudbright being presented It was objected that the election being on the first of August he had very quickly come up and that there is ground to believe his Commiſsion was contraverted After debate thereon he was admitted But it was declaired that all persons were free to object against the said Commiſsion notwithstanding of his said admiſsion And thereupon he took the oath of alleadgence and subscribed the same with the aſsurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

IT being moved that the Act of diſsolutione in favours of James Marquis of Montroſe might be read for the second time The Earle of Bute declaired that he not being cited he did not state himself a Contradictor and entered his Protestatione for saving his privat right which was admitted and ordered to be recorded And thereafter the Act was read And after reasoning and several amendments made on the Act It was put to the vote Approve or Not and carried Approve.

PETITION the Earle of Sutherland and Laird of Grant Craveing the Proces depending at their instance against the Lords Commiſsioners of the Thesaurie might be remitted to be diſcuſsed before the Lords of Seſsion read and the Commiſsioners of the Thesaurie allowed to see and answer again the next dyet of Parliament and ordered that then this petition and answers be taken into consideratione.

PETITION the Dutches of Buccleugh against the Earles of Melvill and Leven and Mr James Melvill of Hallhill Craveing a dyet may be appoynted for hearing her cauſe against them and that Sir David Dalrymple may be allowed to plead the same The Earle of Leven desyred to see and answer the said petition And it being put to the vote Appoynt a day for hearing or to see and answer It carried Appoynt a day for hearing And the second dyet of Parliament nixt week appoynted for that effect And Sir David Dalrymple allowed to plead for her.

THE Complent the Earle of Rutherglen against ane illegal order for quartering appoynted to be heard after the Dutches of Buccleughs cauſe the second dyet of Parliament nixt week.

THE nixt dyet of Parliament appoynted for considering the report from the Commiſsioners appoynted by the last Seſsion of Parliament for inspecting the accompts of the publict fonds and declaired the Parliament will then consider the petition given in be the Duke of Atholl and the officers of his late regement The petitione of Livetennent Generall Ramsay The petition for the Viscount of Teviot The petition for Collonell George McGill The petition for the officers of the army and garriſons who want their clearing and clothing The petition for Livetennent Collonell John Hepburne The petition for Captain Thomas Hay The petition of the disbanded officers The petition for the Corporalls in the independent troups of horse Petition the Marques of Lothian Petition John Auchmouty Petition Sir William Douglas Petition the relict of Captain Alexr Dunbar Petition Captain David Lindsay and all other officers Petitions relateing to arrears.

PETITION Frances Countes Douager of Seaforth Craveing ane aliment read and the Creditors of the Earle of Seaforth allowed to see and answer.

PETITION the said Frances Douager of Seaforth Craveing a warrand for letters to summond Kenneth McKenzie and others therein mentioned in order to the makeing up of a wreat read and the said Kenneth McKenzie and others allowed to see and answer.

. . . . . .

[PETITION Frances Countes Dowager of Seaforth.

UNTO His Grace John Marquefs of Tweeddale &c. Lord high Commiſsioner to the Parliament of Scotland and to the Right Honourable the Estates of Parliament Humblie means and shows Frances Countefs Douager of Seafort That where I being daughter to the Marquefs of Powis in England was in the year 1m vjc eightie nyne married to the Earle of Seafort and brought with me for portione Six thouſand pound Sterling which with the contract that the Earle and I ſhould be entertained in the Marquefs my fathers houſe for three years (lykeas de facto wee were entertained freely and honourablie for fyve years) was a rich and opulent fortune for which the deceaſt Earle and his freinds did agree by articles That I ſhould have one thouſand pounds Sterling yearlie of joynture be way of annuity payable in London Paris or Bruſsells, For implement whereof there was a Diſpoſitione of the ſaid joynture annuity payable out of the Eſtate of

Seafort Drawn in Scotland by advyce of the beſt Lawyers and subſcryved and Granted be the Counteſs of Seafort elder in whoſe perſone nyne preferable appryſeings of the Eſtate all therein narrated were setled And upon this diſpoſitione ſo advyſedly and ſolemnlie drawn I was Infeft under the great ſeall, But though the Conditiones of the marriage were thus ſetled and that the marriage enſued and a ſone and a daughter were procreate thereof yet when the Earle dyes in the year
and that I ought to have got poſſeſsione of my joynture there was none found to anſwer or so much as to regaird me so that in the ſpace of upwards of two years all that I receaved for myſelfe or children was fyfteen pound ſterling whereby I being conſtrained to purſue actions of poynding the ground and for maills and dueties before the Lords of Seſsione I there unexpectedlie met with two Intereſts caſt in viz. Ane adjudicatione by Preſtonhall Lord Juſtice Clerk and another by Mr Robert Blackwood merchant who both objected againſt my Joynture ſetlement That it was a non habente in ſo far as it did not appear that the old Counteſs Dowager had any right to the forſaids appryſeings founded on as the Ground of the ſaid Joynture setlement, and for fortifieing this alleadgeance there is a Reductione alſo offered and repeated I being thus ſurpryſed that I a ſtranger who had brought ſo opulent a portione and was become the mother of the familie ſhould meet with such a diſsappoyntment be the denying and withdrawing the midcouples of my ſecurity whereof I never was nor properlie could be maſter, haveing repoſed intire confidence in the faith and honour of the perſone I dealt with eſpeciallie of the Counteſs Dowager my mother in law and the author of my ſaid ſetlement I am conſtrained to take a day to produce the rights wanting and haveing taken out a Dilligence againſt the Counteſs Dowager her authors and severall other perſones who thereupon made faith as to the haveing of the ſaids appryſeings and conveyances thereof whereupon my joynture right is founded as said is, all that I could obtaine was that Though the Appryſeings and Infeftments thereon with the Diſpoſitions thereof made to the Truſties mentioned in my ſetlement might be extant, yet all theſe rights haveing been convoyed to Kenneth McKenzie of for the Counteſs Dowagers behoofe and who either at the ſame tyme Denuded himſelf by a Diſpoſitione in her favours or granted a backbond for that effect, The haveing of the ſaid Diſpoſitione and backbond was denyed and none were found to oune the haveing of it whereby albeit it be certaine That for any thing that appears the old Counteſs be ſtill and only in poſſeſsione yet I was fruſtrate and could not prove in termino the ſaid Counteſs Dowager her right and power to have made the ſaid ſetlement and thus I was poſtponed and left no viſible remedie save ane actione to prove the tenor both tedious and uncertaine Its true the Lords of Seſsione perceaveing how I was poſtponed and what hard meaſure I met with by the abſtracting of papers even by my own authors and ſuch in whom I might juſtlie had confided Did upon my applicatione appoynt me ane aliment of fyve hunder pound Sterling from year to year for two years, But such is still the ſtubborn oppoſitione I meet with that now after two years there is scarce one year of the ſaid aliment payed And that very payment hath been ſo coſtlie and expenſive to me in uſeing poyndings of the ground and being neceſsitate to apply for the aſsiſtance of her Majeſties forces, and yet notwithſtanding meeting with deforcements beſydes other hinderances caſt in my way that I can freelie and clearlie say I have ſaved nothing of the said firſt years aliment This being my caſe the only remedie I can expect is from your Grace and Right Honourable Eſtates of Parliament to whom I the rather apply that the Old Counteſs hath alſo given in a proteſt before the Lords of Seſsione for remeid of Law to her Majeſtie and Parliament And ſeeing that George Earle of Cromartie is the only Truſtie now on lyfe who convoyed the forſaid appryſeings in favours of the ſaid Kenneth McKenzie and that the ſaid Kenneth McKenzie who was Truſtie for the Old Counteſs of Seafort is alſo on lyfe and that it is both in his power and he is alſo obliged in law to renew the Deed whether a Diſpoſitione or Backbond that he granted to the ſaid old Counteſs for denudeing himſelfe of the ſaids appryſeings convoyed in his perſone and by vertue whereof the ſaid old Counteſs made the forſaid Joynture Setlement in my favours It is evidentlie neceſsarie that I have actione ſuſtained to me againſt the ſaid Kenneth for renewing the forſaid Deed as he hath been already required to make up what is loſt or abſtracted as ſaid is As alſo that I the young Counteſs have warrand to cite the ſaid Earle of Cromartie who both can give light and alſo can ſupplie what may be wanting in the ſaid conveyance As alſo to cite all ſuch perſons as may be the havers concealers or abſtracters of the forſaids appryſeings and their convoyances It being manifeſtlie a great and extraordinary hardſhip that I a ſtranger bringing with me such ane opulent portione and obtaining such a solemn setlement for a joynture after haveing been married and alſo brought furth children and lived in my married eſtate to the satiffactione of all concerned ſhould now upon the Death of the Earle my husband be whollie fruſtrate of my joynture and plainlie eluded by the abstracting of wrytes which I firmly beleived had been in all safety in my authors hands and who still possesses the Estate so that now I am in hazard to be reduced to the greatest extremities and therefore the said Kenneth McKenzie ought and should be decerned to make up and renew the forsaid deed lost and abstracted as said is and being so made up and subscryved to give the same or at least ane authentick Extract thereof to me for security of my said Joynture As also George Earle of Cromartie principal Secretarie of State Isobell Counteſs Dowager of Seafort and all others who had have or who have put away the saids appryseings and conveyances thereof ought and should be Decerned to Exhibite the same or at least orders ought to be given to the Sheriff of the shyre to secure the Charter chist of the said Estate which now seems to be abandoned and such farder directions given for the opening and inspecting thereof as your Grace and Honourable Estates of Parliament shall find reasonable to the effect I may not be perpetuallie excluded from my Joynture by keeping up and abstracting of the saids wrytes that are so neceſsarie for the prosecutione thereof Herefore I beseech your Grace and Right honourable Estates of Parliament for Letters to Summond the saids Kenneth McKenzie George Earle of Cromartie Isobell Counteſs Dowager of Seafort and the persones following viz.

who any wayes had have or have put away the saids appryseings and convoyances thereof to Compear before Your Grace and Lordships at a certaine day to hear and see the said Kenneth McKenzie Decerned and Ordained be Decreit of Parliament to make up and renew the forsaid Deed lost and abstracted as said is and being so made up and subscrived to give the same or at least ane authentick extract thereof to me for security of my said Joynture and the saids George Earle of Cromartie Isobell Counteſs Dowager of Seafort and the other persones forsaids who had have or have put away or destroyed the saids Appryseings and Convoyances thereof to hear and see themselves Decerned be Decreit forsaid to exhibite the same and to hear and see orders given to the Sheriff of the shyre to secure the Charter chist of the said Estate which now seems to be abandoned and such furder Directiones given for the opening and inspecting thereof as the Parliament shall find reasonable to the effect forsaid according to justice in communi forma and your Grace and Lordships answer.

Edr 3d August 1704.

Her Maties high Commissioner & ye Estates of Parliat haveing heard this petition allow Kenneth McKenzie & ors w'inmentioned to see & answer the same.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITION Alexr McDonald of Glengairie Craveing the Garrison may be removed from his houſe of Invergairie & the Parliament to modifie and determine a sum to be payed to him in reparation of his loſses and damnages read and her Majesties Advocat allowed to ſee and ansuer again the second dyet of Parliament nixt week.

. . . . . .

[UNTO his Grace Her Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The Petition of Alexander Mackdonald of Glengarie.

Humbly Sheweth,

THAT whereas, in the Year 1691, the Government having thought fit, by reaſon of ſome Troubles then in the Countrey, to plant a Gariſon in the Petitioners Houſe of Invergarie, whereby the Petitioner was not only deprived of the uſe of his Property, but likeways very much damnified in his other Intereſt, his Lands adjacent thereto having been laid waſte, thorow the diſorderly Carriage of the Souldiers to the Tenants Inhabitants thereof, and the Woods growing on the ſaids Lands of a conſiderable value intirely cut down and deſtroyed, in ſo much that, by Occaſion of the ſaid Gariſon, the Petitioner has been damnified in the Sum of an Hundred and Fifty Pounds Sterlin yearly ſince the ſaid Year 1691, beſides the Loſs of his Houſe, which is likely to become altogether Ruinous and Uninhabitable, thorow want of due Care and Reparation: And tho the apparent Cauſe of planting the ſaid Gariſon hath long ago ceaſed, all that Countrey being ſtill peaceable and quiet, in due Obedience to Authority, without the leaſt Apprehenſion of Diſturbance or Commotion, yet the Petitioner continues under the foreſaid Loſs and Inconvenience in his Intereſt and Property, without any Redreſs; And, as the Claim of Right prohibits the putting of Gariſons in private Mens Houses, in time of Peace, without their Conſent, or the Authority of Parliament, ſo, in what ever manner the Government would find needful or expedient, to make uſe of the Property of private Subjects, as the Exigences of Government might require, yet, in all Law and Equity, that ſhould be upon equivalent Satisfaction given to the Parties thereby damnified.

May it therefore pleaſe your Grace, and the Right Honourable Eſtates of Parliament, upon Conſideration of the Premiſſes, to ordain the foreſaid Gariſon to be removed from the Petitioners ſaid Houſe of Invergarie, and to modifie and determine a certain Sum to be payed to the Petitioner, in Reparation and Satisfaction of the Loſſes and Damnages ſuſtained by him in his Property and Intereſt in manner foreſaid, and appoint the ſaid Sum to be payed out of Her Majeſty's Cuſtoms at Inverneſs by the Collectors thereof.

And your Petitioner ſhall ever pray.

Alexr McDonell.

Edr 3d August 1704.

Her Majesties high Commiſsioner & ye Eſtates of Parliament haveing heard this Petition Allow her Maties Advocat to see & anſwer the ſame.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Sir James Stewart of Goodtrees her Majesties Advocat Craveing a day may be appoynted for hearing his cauſe againſt Johnstoun of Straiton read and the second dyet of Parliament nixt week appoynted for that effect after the Dutches of Buccleughs and Earle of Rutherglens.

ACT for more effectuall payment of the Commiſsioners of Juſticiarie their Sellaries read and ordered to lye on the table.

PETITION James Bayne wright Craveing reimburſement of a sum of money advanced be him for finiſhing the Palace of Halyrudehouſe read and the ſame ordered to be considered after the report of the Commiſsion for auditing the Accompts.

ACT in favours of a Maiden Hospitall erected by the Merchants of Edinburgh with ane other act in favours of a Maiden Hospitall to be erected by the Incorporations of Edinburgh read and a firſt reading ordered to be marked on both the saids Acts.

ACT dischargeing the importing of Irish butter and cheese read and a first reading ordered to be marked thereon.

THE Contraverted elections of the Shyres of Roſs and Clackmannan ordered to be diſcuſsed the next dyet of Parliament after report of the Commiſsion for auditing the Accompts.

ACT in favours of the shyre of Caithneſs read and a first reading ordered to be marked thereon.

ACT for draining Lochs and Marshes read and a first reading ordered to be marked thereon and the same ordered to be printed.

THE process The Laird of Clackmannan against his Creditors ordered to be heard the second dyet of Parliament next week.

PETITION James Oliphant of Langtoun against Mr Roſ Alexander read and refuſed leaving the petitioner to insist in any action competent to him before the Judge Ordinar as accords.

REPRESENTATION for the Merchants of Edinburgh against all wearing of Silk read & the Silk manufactories allowed to see and ansuer the first dyet of Parliament nixt week.

. . . . . .

[UNTO his Grace John Marqueſs of Tweddale, &c. Her Majeſty's High Commiſsioner, and Honourable Eſtates of Parliament,

The Representation of the Merchants of Edinburgh.

Humbly Sheweth

THAT there are many Laws and Acts of Parliament, standing for the Encouragement and Advancing of the Manufactories of this Kingdom; And the Manufactories are Endued with many Privileges and Immunities, and what is moſt proper to be manufactured in Scotland, is Prohibite to be Imported; As are all Cloaths, Stuffs and others made of Wool; Because, as to ſuch, the Nation it ſelf is provided with the whole Materials and Workmen; And such Manufactories are the means of Inſtructing and Maintaining Thouſands of People very honeſtly and profitably, who otherways would be Begging.

And ſuch has been the care of our Parliaments and Government, to raiſe and Improve our own Product and Manufactories thereof, that they have denyed no reaſonable Encouragement; And have Diſcharged the Importation of all Manufactored Wool, even including Silk, Hair and Cotton; And in the matter of Wool, the Laws have taken good Effect, ſo that our Woollen Manufactories, are very greatly Improven.

But as to the others; Its humbly Repreſented to Her Majesties High Commiſsioner, and the Honourable Eſtates of Parliament, that the Laws have no wayes answered the Deſign, or obtained the End, for which they were made; which was to Curb Prodigality, Improve our own product and Manufactories thereof, and Diſcourage all Forreign Import; For albeit, the Importation of the Manufactories of Silk, Hair and Cotton are Diſcharged, and ſufficient Penalties inflicted: And thereby the Merchants and Retaillers effectually reſtrained therefrom; Yet its evident from practice and experience, that Forreign Silks of all ſorts, and Stamped Caliго, and Linnen, were never more frequently worn, and that of the Silks covered under the pretext,

that (by a few Looms) Silks are Manufactored at home; Whereas, Hundreds of Ells are worn, for one Ell made in the Kingdom, and as to thefe very particulars, the Laws are in Defuetude through univerfal tranfgreffion.

From whence its evident, that under the covert and pretext of Manufactoring Silk at Home, the Trade of Silk from Abroad, is carried on by Unfreemen, Strangers and Smuglers, of mean fortunes, and defperate, who run the Silk Stuffs free of Duties and all publick Burdens, and Sell them clandeftinely, to the Ruine of the Merchants and Retailers, the Difcouragement of Youth bred to Trade, the Deftruction of the Royal Burrows, and Subverfion of Trade in general. And which is ftill worfe, the hindrance of that Export of our own product, formerly made by Merchants who traded that way, and draining the Kingdom of Money; for all Smuglers only deal with Money in Specie.

There can be no profit from manufacturing Silk in Scotland, Because 1mo. We have no Silk; 2do There are but very few hands employed about it, and thofe brought from abroad. 3tio. Its nottourly known, that our few Silk Manufactories were erected and carried on, by importing the Web ready warped; So that nothing remained but the single Weaving, thereby to entitle it as a Webb of Scots Manufacture. And 4to. The upfetters of thefe few Silk Manufactories, drive a plain monopoly; in taking the benefite of the privileges of Manufactories, and of the whole Retailing Trade alfo, which ought ftill to be separate.

The cafe being thus shortly Represented; Its humbly moved to His Grace and Honourable Eftates of Parliament, That feeing Manufactories of Silk here, can be of no benefite to the ends above; But only a pretext and covert for carrieing on the deftructive Smugling Trade, and defrauds Her Majefty of a confiderable Duty, arifing from the lawful Trade therein, And that our prodigality is hightened by extravagant prices; That therefore, all Stuffs of Silk, Hair and Cotton be totally prohibite to be worn, or otherways allowed to be imported paying Dutie, as fhall be thought moft for the Nations advantage, for the Prohibition againft Importing Silks, while they are allowed to be worn, will never anfwer the end and defign: And that all Stamped Caligo and Stamped Linnen without referve, be peremptorly Difcharged to be Imported or Worn, being the Commodity moft prejudicial to the Woollen Manufactories; And the only thing hurtful to, and hindering the confumpt of all sorts of Woollen Manufactories.

Edr 3 August 1704.

Her Maties High Commifsioner & ye Eftates of Parliament haveing heard this Petition Allow ye Silk Manufactory to see & anfwer ye fame agt the firft dyet of Parliament.

SEAFIELD Cancellar. I. P. D. P.]

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ACT dischairgeing the importing of Woollen manufactures and allowing the exportation of Wool presented and ordered to be printed.

THE Lord Chancellour by order of Her Majefties high Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 4, 1704.

PRAYERS said Rolls called.

THE Lord Burligh who was abfent the laft Sefsione of Parliament took the oath of alledgeance and subferibed the fame with the afsurance and took the oath of Parliament.

ANOTHER Commifsione for Patrick Murdoch of Cumloaden newly elected one of the Commifsioners for the Stewartry of Kirkudbright prefented and the Competition moved betwixt this Commifsion and the Commifsion given to Palgoune After reafoning it was agried that the matter fhould be remitted intire to be proceeded in the firft dyet of Parliament nixt week and Palgoune of confent declaired that he would not vote till the cafe was determined.

MINUTS of the laft Sederunt read.

PETITION the Earl of Sutherland and Laird of Grant againft the Lords Commifsioners of the Thefaury and a farder delay being Craved the firft dyet of Parliament was appoynted for confidering the fame previous to all other bufsinefs and in the mean tyme the Lords Commifsioners allowed to fee and ansuer the famen.

MOVED that the Act nominating perfones to be Commifsioners to treat with England might be againe read in order to have a firft reading marked thereon Likewayes moved that the Act of Security might have a fecond reading And after reafoning it was put to the vote Proceed this day to the Confideration of the Report of the Commifsion for auditing the Accompts of the publick fonds or to one of the two publick acts now propofed and Carried to one of the two publick acts, Thereafter put to the vote Proceed to Confider the act for nominating perfones to be Commifsioners to treat with England or to Confider the Act of Securitie and Carried to the act nominating perfones to treat with England And the faid act being read a firft reading ordered to be marked thereon and the act ordered to be printed.

THE Lord Chancellor by order of the Lord High Commifsioner Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Cancellar. I. P. D. P.

August 5, 1704.

PRAYERS said Rolls called.

THE Lords Balmirrino and Blantyre took the oath of alleadgeance and subscribed the same with the afsurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

MOVED that a day be appoynted for nominateing Commifsioners to be infert in the Act and Commifsion of Treaty with England Likewayes moved that the Act of Security might be read the second time And after reafoning Agreed that the nixt dyet of Parliament be appoynted for nominatione of the saids Commissioners and the second dyet of the week after the nixt week for a second reading of the said Act and Commifsion and in the mean time to proceed to the Acts of Security and Supplic.

ACT of Security read the second time And after advyseing before voteing of the said Act the Marquis of Annandale renued his protestation made last Sefsion of Parliament against pafsing the said act and Craved that his difsent might be marked.

THE act was put to the vote Approve or Not and carried Approve.

NEXT dyet of Parliament appoynted to consider the report of the Commifsion for auditing the accompts of the publict fonds after the nameing of the Commifsioners to be insert in the Act and Commifsion of Treaty with England.

THE Act of Supplie for six moneths cefs out of the land rent to be given to the Queen for the ends and payable at the terms therein mentioned read the second time And after some debate and amendments made thereon It was put to the vote Approve the said Act or Not and carried Approve nemine contradicente.

ORDERED that the Noblemen and Commifsioners for shyres and other members concerned bring in lists of Commifsioners of Supplie nixt dyet of Parliament and if they doe not That the Lord Register fill up the Commifsioners formerly named in the last act of Supplie.

THE Petition the Earle of Sutherland and Laird of Grant with a Representation given in by the Commifsioners of Thesaurie read And after hearing her Majesties Advocat and Solicitor for the Queens interest It was put to the vote Remit the cause to be difcufsed before the Lords of Sefsion or Referve the same to be considered in plain Parliament and that a day be appoynted for that effect and carried Remit.

BEFORE the said vote The Marquis of Annandale Earle of Marchmount and Mr Francis Montgomerie gave in their protestatione against the same and Craved the same might be recorded and that they might have extracts thereof And the Laird of Grant younger protested in the contrary.

ACT of Difsolution of the feu duties of Bute and other rents allocat to the keeping of the castle of Dumbarton and the Constabularie thereof Act for the Security of the Kingdome The act of Supplie all tutched with the Scepter by her Majesties Commifsioner in the usual manner.

THE Lord Chancellor by order of the Lord High Commifsioner Adjourned the Parliament till Tuesday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 8, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

LISTS of Commifsioners of Supplie for the shyres following presented by the several members concerned their titles and subscribers read viz. Edinburgh Haddingtoun Berwick Roxburgh Selkirk Tweedale Lenrick Wigtoun Air Dumbarton Bute Renfrew Linlithgow Perth Kincairn Cromertie Argyll Nairn Fyfe Angus Bamf Kircudbright Caithnefs Orknay Clackmannan and Rofs And the matter continued till the nixt dyet of Parliament that such of the members as had not given in their lists may give them in and any additionall lists given in may be seen betwixt and that time.

MOVED that the Parliament proceed to name the Commifsioners to be insert in the Act and Commifsion of the Treaty with England and that the Estates seperat to choise them conform to custome Moved that the saids Commifsioners be chosen in plain Parliament Likewayes moved That the plot be inquired into and a day appoynted for that effect After reasoning on the said last motion The following Resolve was presented viz. Resolved that the Houfe of Lords Addrefs to the Queen in relation to the nomination of their succefsor to our Crown and their examination of the plot in so far as concerns Scotland or Scotsmen was ane undue intermedling with our concerns and ane encroachment upon the independencie honour and soverignity of this Nation and that the proceedings of the Houfe of Commons were like thofe of good fubjects to their Queen and good and friendly neighbours to Scotland After debate thereon moved that the first clause concerning the Houfe of Lords might be put to the vote Likewayes moved that the same may be delayed to be farder considered And after reasoning It was put to the vote Proceed or Delay and carried Proceed And thereafter it was put to the vote Approve the faid first clause or Not and carried Approve And then the second clause as amended viz. That the proceedings of the Houfe of Commons in all thefe matters were like thofe of good and friendly neighbours to this Nation put to the vote Approve or Not and carried Not.

THE Lord Chancellour by order of the Lord High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 9, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE rest of the Lists of the Commifsioners of Supplie with severall additional Lists for the Shyres following presented by the several members concerned the titles and subscribers read viz. Aberdeen Stirling Dumfrees Sutherland Elgine Invernefs and Kinrofs and the whole Lists adjusted.

MOVED that a day be appoynted for examining the plot and agreed that first dyet next week be appoynted for that effect And that such documents as were sent from London to the Council may be transmitted to the Clerks of Parliament and also that such declarations as had been taken here relating thereto be also laid upon the table.

ACT dischargeing the importing of Woollen manufacture and allowing the exporting of Wool and Skins read And after debate it was put to the vote Proceed or Delay and carried Proceed And a first reading ordered to be marked on the act.

THE nixt dyet of Parliament appoynted for hearing the cause The Dutches of Buccleugh against the Earles of Melvill and Leven And after that the report of the Commifsion for auditing the Accompts of the publict fonds And thereafter the contraverted elections for the Stewartrie of Kirkudbright Shyres of Rofs and Clackmannan to be difcufsed.

THE Act of Supplie ordered to be published and printed.

PETITION Lyall of Gairns for a Cloath manufactorie read and ordered to lye on the table.

OVERTURE for ane Act anent Coal and Salt read and ordered to lye on the table.

ACT for the more effectuall payment of the Commifsioners of Justiciarie their Sellaries read and a first reading ordered to be marked thereon.

PETITION Mr Alexr Higens of Craigforth Craveing a day may be appoynted for hearing his proces against John Callender of Craigforth read and the first dyet nixt week for private burnefs appoynted for that effect.

. . . . . .

[TO his Grace John Marquefs of Tweeddale her Mãties high Commifsioner, and the Right Honble the Estates of Parliament

The Petition of Mr Alex^r Higgins of Craigforth

Humbly Sheweth

THAT where in the Declarator of Trust at my inftance against John Callender before the Lords of Sefsion, the Lords upon the 17 of Decem^r 1697 Declared the Trust, But by a subfequent Interloquitor upon the 16 of June 1698 found it such a Trust as did not oblidge the Trustee to compt for the rents of the lands till redemption Whereupon I haveing protested for remead of law againft the said second Interloquitur and the following Interloq^rs relating thereto and by warrant cited Mr Callender before the then next Sefsion of Parliam^t, and the proces being then called seen & returned, the same was moved therein, and almost in every Sefsion of Parliam^t thereafter as appears by the Minuts, but was never brought to a hearing tho' Informations has been frequently diftributed in order to it.

May it therefor pleafe yor Grace & Honble Estates of Parliament To appoint a certain diet for hearing your petitioners cause.

And your Petitioner, as in duty bound, fhall ever pray &c.

Alex^r Higgens.]

. . . . . .

ACT and Commifsion for visiting Universities and Schools read and a first reading ordered to be marked thereon.

ACT dischargeing importing of Irish butter and cheefe read and a first reading ordered to be marked thereon.

ACT dischargeing importing of molofses read and a first reading ordered to be marked thereon.

ACT anent Justices of Peace read & ordered to lye on the table.

ACT for repairing banks of rivers waters and burns presented.

ORDERED that all the above mentioned acts be printed.

THE Lord Chancellour by order of the Lord High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguft 10, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Proces The Dutches of Buccleugh against the Earles of Melvill and Leven and Mr James Melvill upon the Protestation taken by her for remead of law against the Interloquitors pronunced by the Lords of Sefsion in the action of exhibition and reduction at her instance against the saids defenders being called and the Advocats for either party fullie heard upon their dilators in the matter of the exhibition The Parliament haveing advysed the debate upon the executions found the execution against Mr James Melvill at his lodgeing in Edinburgh null in respect he was neither personallie apprehended nor had lodged there fourtie dayes before the execution and allowed the execution against the said defender at his dwelling house in the countrie to be yet seen in common form And haveing advysed the debate and the other defence that Mr James must be first called Sustained the dilator and found no Proces unlefs Mr James Melvill as a party be called.

THE Complaint the Earle of Rutherglen against an illegal order for quartering appoynted to be heard nixt dyet of Parliament for private businefs.

THE Report of the Commifsion for auditing the Accompts of the publict fonds presented and a pairt thereof read And it was resolved that whatever shall be determined upon the said report be insert in the Minuts and that the Parliament will farder consider the said Report nixt dyet of Parliament previous to all other businefs.

ORDERED that Robert Rutherfoord and David Callender attend the several dyets of Parliament and likewayes thefe concerned in the ballances of the above accompts.

ACT remitting to the Commifsioners appoynted for stateing the publict accompts all the difficulties that occur in their report with a parliamentarie power read and ordered to lye on the table.

THE Lord Chancellour by order of the Lord High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 11, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT for the more effectuall payment of the Commifsioners of Justiciarie their sellaries read the second time and after several amendments made thereon It was put to the vote Approve or Not and carried Approve.

THE Parliament proceeded to consider the Report of the Commifsion for auditing the Accompts of the publict fonds and haveing read the first four Accompts of Charge and Discharge with the observations thereon contained in the said report They sustained the first observation on the first accompt as to the first article of rests given up by John Drummond and James Maxwell And sustained the second observation And sustained the third observation relateing to Sir Alex^r Bruce As to the fourth observation for provision to English forces They find and state the same as ane article due by England As to the fyfth observation The sum therein is likewayes found due by England and ordered that the Clerk to the Thesaurie produce the instructions of the said fyfth article again the nixt dyet of Parliament As to the sixt observation Ordered that the instructions thereof be likewayes produced be the Clerks to the Thesaurie As to the seventh observation They sustain the same And as to the eight observation Find that the fifth and sixt articles are carried on to the subsequent accompt.

THE second accompt in the report read and ordained that the instructions of the first article of discharge be brought in the nixt dyet of Parliament As also the instructions of the second article And the third article sustained As to the fourth article Remitted to the said Commifsion to bring in a particular accompt of what is over rated As to the fifth article The Commifsion to report how it was allowed to the Accountants and by whom nixt dyet of Parliament The consideration of the sixt article continued to the nixt dyet of Parliament to the end the Clerks of Thesaurie and Mr Dullap may give accompt thereof And the seventh article sustained.

AS to the observations on the said second accompt The fourth observation to be considered the nixt dyet of Parliament The fyfth observation that the Clerks of Thesaurie give accompt how

it was employed and by whose order nixt dyet of Parliament The sixt observation The Parliament find the sum therein still due as is acknowledged by Mr Dunllap As to the seventh observation continued to be farder considered when the instructions of the former observations are brought in.

THE third Accompt in the report read and the first article of discharge sustained and the warrands of the second and third articles ordained to be produced The fourth article sustained as carried doun to the nixt accompt And the fyfth and sixt articles sustained as in the first observation thereon And the Parliament find the seventh article is carried doun to the subsequent accompt.

AS to the observations the Parliament sustain the fyfth and sixth and find the fourth and seventh carried doun to the subsequent accompt.

THE fourth Accompt in the report read and the articles of discharge with the observations thereon considered The first second third fourth and fyfth observations sustained And as to the sixt observation Remitted to the Commision to consider the accompt given in by Sir George Hamilton and to report nixt dyet of Parliament And the seventh observation sustained.

AGREED that the Parliament will proceed on the Report of the Publict Accompts the following dyets of Parliament and goe on therein till they be ended without interposeing any other business whatsomever.

ORDERED that the Solicitor cause Cite all persons concerned mentioned in the report of the Commision by whom the severall ballances are alleadged to be due.

.....

[A WARRAND for citeing the persons concerned in the publict accompts of the Natione

Edinburgh 11th August 1704.

HER Mäties high Commisioner and Estates of Parliament haveing considdered a motione made in Parliament for Citeing all persones concerned in the publict accompts of the Natione They heirby Grant ordor and warrand to meacers To cite Sr George Hamilton of Tulliallan Sr Robert Anstruther of Balcaskie Sr Alexr Bruce of Broomhall Sr George Home late proveist of Edr Sr Andrew Myretoun of Gogar The Earle of Levein The Lord Ross Sr John Cochran of Ochiltry Sr Robert Stewart of Allanbank Baillie James Grahame merr in Edr William Cuninghame of Broomhill James Dunlope merr in Edr The Lord Belhavein The Laird of Grant elder Sr John Houston of pt ilk Sr Robert Dickstone of Sornebeg The Laird of Jervifwood William Cochran of Fergusslie Sr Androw Home Advocat Sr Thomas Kennedy of Girvenmaines Sr William Meinzies of Gladstaines Sr Thomas Moncreif Clerk to the Exchequr and all vthers concerned To appear before the Parliament on munday nixt with Certificatione &c.

SEAFIELD Cancellar. I. P. D. P.]

.....

AGREED that the farder consideration of the plot come in after the saids accompts are ended.

THE Lord Chancellour by order of the Lord high Commisioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 14, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Parliament proceeded to the furder consideration of the Report of the Commision for auditing of the Accompts of the Publick Fonds And the fifth accompt in the Report being read The consideration of the second observation thereon continued till the next dyet of Parliament and the Clerks of the Thesaury ordered to instruct how the sum therein mentioned was applyed, and to whom, and what money was payed out of the civil List to the army The third, fourth, fifth and sixth observations sustained Upon reading the seventh observation there was a petition presented by Sir Alexr Bruce and his partners anent his expences and depursements in forageing the army Craving that the same may be provided for out of the fonds of the army And that it be Remitted to the said Commision to take in and state his accompts read and ordered to lye on the table and the Clerk to the Thesaury ordered to give ane accompt thereof next dyet of Parliament As to the eight observation finds the same carried down to the subsequent accompt The sixth accompt in the Report read The first observation sustained The second observation carried on to the next accompt, The third observation The Clerks of Thesaury ordered to give ane accompt thereof The fourth fifth and sixth observations sustained The seventh observation The consideration thereof reserved till the payment of the ballance due to the accomptants be considered The eight observation to be considered next dyet of Parliament The ninth observation That the decreet of Exchequer for instructing thereof be produced next dyet of Parliament Tenth observation It was put to the vote Proceed to the consideration thereof or Delay and carried Delay The eleventh observation sustained.

THE Lord Chancellour by order of the Lord high Commisioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 15, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT continuing the Commision for auditing the Accompts of the Publick Fonds read and a first reading ordered to be marked thereon.

THE Parliament proceeded to the further consideration of the report of the Commision for auditing the accompts of the publick fonds And the seventh accompt in the report being read the consideration of the first observation continued till the poll 1696 came in to be considered The second and third observations sustained The fourth observation Ordered that the Act of Exchequer for instructing the articles therein mentioned be produced The fifth observation carried on to the subsequent accompt The sixth observation Ordered that the Acts of Exchequer for instructing thereof be produced The seventh observation Carried on to the subsequent accompt The eight observation sustained The ninth observation Ordered that the shires of Ross and Cromerty adjust their quotas so as to make up the totall.

THE eight Accompt in the report read The first observation continued till Sir William Menzies be heard after the consideration of this accompt is ended The second and third observations The instructions thereof to be produced and considered in Parliament

The fourth obſervation ſuſtained The fifth observation Ordered that Robert Rutherfoord and the accomptants clear this article or be lyable for it The sixth observation That the ſhires of Roſs and Cromarty ſo adjust their quotas as to make up the totall.

THE Parliament again proceeded to the Consideration of the first observation in this accompt in relation to Sir William Menzies And he being called Compeared and presented ane Information with a Petition both which were read And after hearing and debait the vote was ſtated If the tack set by the Lords of Thesaury and Exchequer to Sir William Menzies and pairtners be a ſtanding tack for the first two years Yea or Not and Carried in the affirmative.

THE Parliament declared they would proceed upon the Consideration of this affair nixt dyet of Parliament.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 16, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED that the orders of the house be put in execution againſt the members that are absent at calling the rolls.

OVERTURE for an act advanceing and eſtabliſhing the fiſhing trade, read and ordered to ly on the table and to be printed.

THE Parliament proceeded to the farder consideration of Sir William Menzies's affair; & after hearing him and debate thereon It was put to the vote Whither he ſhould pay at the terms following nine thouſand pounds Sterling or five thousand pounds Sterling of his tack duty and Carried five thouſand pounds Sterling payable at Martinmaſs and Candlemaſs next by equal portions And Remitted to the Commiſsion of Parliament to be named to Conſider whither the account given in by him be a true account, to be reported next Seſsion of Parliament And in the mean time sists Execution for the remaining ſum of his tack duty Before the ſaid vote the Earl of Sutherland protested that whatever deduction of the tack duty was given to Sir William Meinzies That the Parliament make it up as is more fully contained in his proteſt.

ORDERED that none of the Collectors or Tackſmen appointed by him pay any ſums of money to him that are not contained in the ſaid account.

ORDERED that the Clerks of Theſaury bring in a report how the army was payed dureing Sir William's tack.

THE Account of the hearth money read, The first observation ſuſtained. The ſecond obſervation, The Clerks of Thesaury ordered to produce the Thesaury books for inſtructing thereof. As to the third fourth and fifth Observations, The Parliament finds that whatever was payed in by Caſsingray conform to the fitted account with the Theſaurie the Cautioner cannot be lyable therefore And allows the twelve thouſand hearths as deficient in regard the Collectors deponed thereon before the Theſaury and their bonds were ordained to be given up to them And as to the ſhires paroches and houſes not given up, Ordered that the Collectors count for them before a Commiſsion to be named And finds the Cautioner only lyable according to their intromiſsion And Remits to the ſaid Commiſsion to Cite before them ſuch as were Collectors at that time and to inquire thereanent. As to the Sixth obſervation Ordered that the Clerks of Theſaury give in account next diet of Parliament how the articles therein mentioned were applyed and by whose order.

OVERTURE for an act anent misapplication of funds given for maintainence of the forces, read, and ordered to ly on the table and to be printed.

THE seventh Observation, The Ballance therein Remitted to the Commiſsion to be named to be farder considered by them.

THE Lord Chancellor by order of the Lord High Commiſsioner Adjourned the Parliament till Friday nixt at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 18, 1704.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

ACT continueing the Commiſsion for auditing the accompts of the publick fonds read for the ſecond tyme and the farder consideration thereof delayed till the nixt dyet of Parliament.

ORDERED that Sir William Menzeis signe the accompt given in by him laſt dyet of Parliament.

THE Accompt of the Pole money the yeir 1693 read.

PETITION Katharein Hamilton relict of Captain Alexr Dunbar craving payment of arrears due to her huſband with a Declaration and Conſent ſubſcrived by seaverall officers in her favours read And after reaſoning thereon It was put to the vote Grant the deſire thereof for three hundred pounds Sterling in pairt of the arrears craved or Remitt to the Commiſsione and carried Grant the desire thereof for three hundred pound Sterling.

THE firſt obſervation ſuſtained The ſecond obſervation ſuſtained and the ballance therein mentioned allowed to the Laird of Jerviſwood As to the third obſervation After reaſoning thereon It was put to the vote Whither to preſer the accompts ſtated due to the countrey or to the officers for their arrears to the ballance of the said accompt and carried Prefer the officers for their arrears And the Parliament recommended to the Commiſsion to be named to inquire into the undue transactions made anent the accounts due to the Countrey and to report.

THE Parliament recommends to the Commiſſion to be named to conſider the arrears due to the garriſons of the Caſtles of Edinburgh Stirling and Dunnotter to the effect that what was payed out by the seaverall officers for subſiſting their garriſons may be reimburſed to them.

THE fourth obſervation delayed till the nixt dyet of Parliament.

AGRIED that the Parliament diſcuſs the accompts previous to all other buſsineſs.

ORDERED that the Queens Advocat and Solicitor reviſe the Ratifications and Fairs to be paſt this Seſsion of Parliament.

THE Lord Chancellour by order of the Lord high Commiſsioner Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Cancellar. I. P. D. P.

August 19, 1704.

PRAYERS said Rolls called & the absent members marked.

MINUTS of the last Sederunt read.

ACT for an additionall representation of Commiſsioners of Barrons to the Parliament read & after reasoning It was put to the vote Mark a first reading thereon or lye on the table and carried Mark a first reading which was ordered accordingly and the draught ordered to be printed.

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[ACT for an additional Repreſentation of Barrons.
August 19, 1704.

OUR Soveraign Lady conſidering the largeneſs, extent and value of the Lands holden of Her Majeſty by the Barrons and Freeholders within the ſeveral Shires of this Kingdom; and that by reaſon of the creation of a great many new Nobility, the Repreſentation of the Barrons in Parliament is rendered leſs conſiderable. Therefore Her Majesty with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That in the next Seſſion of Parliament, and in all Parliaments, Meetings and Conventions of Eſtates to be holden hereafter, the Barrons and Freeholders of the Shires aftermentioned, ſhall add to their former Repreſentation one Commiſſioner for each, viz. The Shires of Edinburgh, Haddingtoun, Berwick, Roxburgh, Lanerk, Dumfries, Air, Perth, Aberdeen, Fife and Forfar, being the moſt conſiderable Shires of the Kingdom: And that for ever hereafter, when a Nobleman ſhall be created, a Barron ſhall be added to the Repreſentation of the Shires.]

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ACT for secureing free voteing in Parliament read and a first reading ordered to be marked thereon and that it be printed.

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[ACT for ſecuring Free-voting in Parliament, and for excluding Officers of the Army, &c.

FORASMUCH as it will be much for the Security of this Nation, that the Members of Parliament be at abſolute Freedom in their voting, and that all occaſions of tempting them to be anyways byaſſed in giving their Advice and voting in Parliament and Convention be obviated. Therefore, Our Soveraign Lady, with advice and conſent of the Eſtates of Parliament, prohibits and diſcharges all perſons whatſoever, to give, offer, or promiſe to procure to be given to them any Office Civil or Military, or any other good Deed, directly or indirectly, by themſelves or others, or threaten any of the ſaids Members, in order to the giving of their Advice or Vote in Parliament or Convention, as to any matter that ſhall come before them, under the pain of Infamy and loſs of Office, and to be for ever incapable of any publick Truſt or Office in time coming, and to be fined in the Sum of 10000 lib. beſide, to be payed to the party diſcoverer, and who ſhall purſue and obtain the party guilty to be convicted; As alſo prohibites and diſcharges all Members of Parliament or Convention, to take, accept, or receive any Sum, or Sums of Money, Office, or any other good Deed whatſomever, directly or indirectly by themſelves or others, upon the account of their giving their Advice or Vote in Parliament or Convention, as to any matter that ſhall come before them, under the ſame penalty as in the caſe above-expreſt. And further, that any Member of Parliament or Convention that ſhall give, offer, or receive any Sum, or Sums of Money, Office, or other good Deed, upon the account foreſaid, ſhall be expelled the Houſe, and declared for ever uncapable to ſit and vote in Parliament or Convention, or to chuſe, or be choſen a Commiſſioner to the Parliament or Convention: And it is hereby declared, that it ſhall be lawful to any of the Leidges to purſue the Contraveeners of this Act, either before the Parliament, Lords of Privy Council and Lords of Seſſion, Lords of Juſticiary, or any other Judges competent for the ſaid Crime, which may be proven by the Defenders Oath, or any other legal Probation: And further Statutes and Ordains, that no Officers of the Army, Forts or Garriſons, Receivers or Collectors of the publick Revenues, Tackſmen, Collectors, Surveyors, Collectors, or others concerned in the Cuſtoms or Exciſe, nor any other perſon having a Penſion from Her Majeſty during pleaſure, ſhall be capable to be elected a Commiſſioner to repreſent the Barrons or Burrows in Parliament; And in caſe any Member elected ſhall during the currency of this or any other Parliament, accept of any Commiſſion to be Officer of the Army, Forts or Garriſons, or any Letter of Penſion, or be Tackſman, or have any concern as Mannagers, Collectors, Surveyors, or other Offices about the Cuſtoms or Exciſe, or imployed to receive the public Rents and Revenues, upon the Acceptation thereof the ſaid Commiſſion to repreſent the Barrons or Burghs, ſhall fall and become null and void, and the Barrons or Burghs whom they repreſented, are hereby authorized to elect others to repreſent them in their place.]

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PETITION Livetennant Collonell Alexander Campbell of Fanab Craveing payment of arrears due to him read and ordered th Two hundred pound Sterling be payed him out of the first readiest of the tack duty due by Sir William Meinzies on accompt of his saids arrears and good service in Caledonia.

PETITION the Earle of Crawfoord Craveing relief of his ingagements for the publict for cloathing his regiment and payment of arrears due to him read and ordered that Sir William Meinzies out of the first and readiest of the sums due by him pay to the petitioner what he is ingadged in for cloathing as shall be instructed before the Thesaury or Commiſsione to be named for auditing the publict accompts.

PETITION the Duke of Atholl and the officers of his late regiment Petition Marquis of Louthian & the officers of the regiment of dragouns under his command Petition Viscount of Teviot Petition Livetennant Generall Ramsay and the officers of her Majesties regiment of foot guards Petition Collonell George McGill Petition Sir William Douglas Petition Livetennant Collonell John Hepburne Craveing relief of their ingadgements for the publict for cloathing their regiments & payment of the arrears due to them Petition Captain Slezer Craveing relief for cloathing the artillery company all read and the severall Petitions to be considered when the accompts comes in.

PETITION Mr Charles Campbell Craveing payment of arrears due to him read and ordered that ane hundred pound Sterling be payed him to accompt.

PETITION Captain Rot Taylor Craveing that a sum of money advanced by him for supplying the Garrison of Cambusmoir may be repaid him with interest read and remitted to the Commiſsion to be named for auditing the accompts to inquire thereanent & to report.

PETITION the Lord Bargany Craveing a decreit of the Commiſsion of Parliament anent the Pole to be suspended read and Sir John Cochran appoynted to see and anſuer again the nixt dyet of Parliament but the Parliament refused to sist execution in the mean time.

PETITION Sir Wm Meinzies Craveing detention of a sum of money for cloaths furnished by him to the Duke of Athole then Earle of Tullibarden his regiment read.

PETITION Frances Countes Douager of Seaforth Craveing ane aliment read & after reasoning It was put to the vote Grant the desyre of the Petition Yea or No and Carried in the affirmative and fyve hundred pound Sterling granted to her of yearlie aliment out of the estate of Seaforth dureing the dependence of the proces before the Lords of Sefsion.

MOVED that the Parliament Proceed to the accompts of the publict fonds Likewayes moved that they proceed to the Act anent the Wool And after reasoning thereon It was put to the vote Proceed to the Wool act, or to the Accompts nixt dyet of the Parliament and Carried first to the Wool act and then to the Accompts previous to all other busines.

MOVED that the Act and Commifsion for plantation of Kirks and valuation of Teinds be read in order to have a first reading marked thereon And after reasoning It was put to the vote Proceed or Delay and carried Delay.

THE Lord Chancellour by order of the Lord high Commifsioner Adjourned the Parliament till Tuefday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 22, 1704.

PRAYERS said Rolls called and the absent members marked

MINUTS of the last Sederunt read.

IT was objected that in the principall list of Commifsioners of Supplie for the shyre of Dumbartoun the Earle of Eglintoun is named in place of the Earle of Wigtoun Agreed that the Earle of Wigtoun was the perfon intended and that in the list to be printed the Earle of Wigtouns name be insert.

ACT dischargeing importing of all Woollen manufacture and allowing the exporting of Wool read the second time There was a Petition presented for the Manufactories Craveing to be heard by their Lawyers for their intereſts againſt paſsing the said act read And after reasoning thereon It was put to the vote Hear the Lawyers for the Manufactories or Not and carried Not And the act being again read with a paper containing reasons against the said act After debate It was put to the vote Allow the exporting of Wooll or Not and carried Allow the exportation of Wooll and agreed that all sorts of Wool be exported till next Sefsion of Parliament inclusive.

A CLAUSE was offered to be added to the said act That there be a duty put on all the Wool exported After reasoning thereon It was put to the vote add the clauſe or Not and carried Not.

ANOTHER clauſe was offered to be added to the said act That all the Woollen manufactores of this Nation exported be free of all duty dureing the continuance of this act And after reasoning thereon It was put to the vote Add this clauſe or Not and carried Add And the farder consideration of the act delayed till the nixt dyet of Parliament.

THE Lord Chancellour by order of the Lord High Commifsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 23, 1704.

PRAYERS said Rolls called & the absent members marked.

MINUTS of the last Sederunt read.

ORDERED that the consideration of the papers relateing to the Plot come in immediatly after the accompts and nothing to interveen.

THE act anent the Wool again read And put to the vote Approve of this act or Not and carried Approve.

ACT continueing the Commifsion for auditing the Accompts of the publict fonds read the second time And after several amendments made thereon It was put to the vote Approve this act or Not and carried Approve.

THE Lord Chancellour by order of Parliament gave thanks to the Earles of Galloway Northesk Balcarras Dunmore and Stairs Robert Dundas of Arniston Sir John Lauder of Fountainhall John Haddan of Glenagles William Setton of Pitmedden younger James Ogilvie of Boyne younger Collin Campbell Mr John Clerk Mr Dougall Stewart Sir David Cunynghame and Mr Robert Frazer members of the said Commifsion for the exact diligence in their Report & allowed a gratification to four of their number being a Committee appoynted by the rest to whom there was a sum given to be distribute by them to their Clerk & the other ſervants.

PETITION Archibald Houstoun wryter to the Signet Craveing a gratification for his two years service as Clerk to the late Commifsion of Parliament read and he allowed to retain of the money in his own hands ane hundred pound Sterling for his said service.

ORDERED that theſe who have clames to the respective fonds and have not given in petitions be equallie considered by the Commifsion with theſe that have given in petitions.

AGREED that all who are lyable to dilligence for cloathing their regiments and companies be speciallie taken into consideration by the Commifsion according to the appropriations by acts of Parliament.

PETITION Livetennent Collonell Campbell Craveing payment of arrears read and remitted to the Commifsion to consider the speciallities therein mentioned.

PETITION William Montgomerie servitor to the Earle of Seafeild Lord High Chancellour Craveing payment of arrears due to his father read and ordered that ane hundred pound Sterling be payed him out of the first and readiest of the Poll money 1693.

PETITION the Lord Forbes Craveing payment of arrears read and remitted to the Commifsion to consider the specialities therein mentioned and Livetennant Colonell James Bruce of Kennett and Livetennent Collonell Reid their caſes likewayes remitted to the Commifsion.

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[UNTO his Grace her Majeſties High Commifsioner and right Honourable Eſtates of Parliament
The Petition of William Lord Forbes
Humblie Sheweth
WHEREAS his late Majeſtie King William in March 1697 gave Commifsion to me as Collonell to command that regiment of

Dragoons, formerlie commanded by this present Marques of Lothian Accordinglie I came from Flanders furthwith for Scotland and ferved as Collonell of the faid regiment while the diſbanding thereof, q^ch was in the moneth of December in the faid year 1697 when your petitioner was commanded north for reduceing Simon Fraſer of Bewfort and his accomplices and liberating the Lady Douager of Lovat out of ther hands, q^ch your petitioner effectuallie did, befor the ordors came for diſbanding my regiment.

Your petitioner wants eight moneths half pay as Collonell and Captain and the whole moneth of December's pay for himſelf and troup, q^ch extends by the Theaſurie Accompts to tuo hundered and fixtie tuo pounds Sterling, and the commanding officers of each troop have alreadie receaved pay^t of what is due to them for the faid nyne moneths And your Petitioner as yet wants the fd ſum notwithſtanding that I borroued money at Inverneſs upon the account of the faid expedition & ſervice for q^ch money I am preſently diſtreſed by legal diligence, And it's the fitting of the Parliament p^t only protects me from the execution of the ſamen and my rents will be areſted unleſs your Grace & honorable Eſtates order my payment and prevent the ſamen.

May it therefore pleaſe your Grace & the honourable Eſtates, To order my payment of the fd Tuo hundered and fixtie tuo pounds Starling out of the first & readiest of the five thousand pounds Sterling payable be Baillie Menzies ſeing I am ſo diſtreſed & the lyke favour having bein granted to others, It being ſufficiently knowen what great loſs I am at otherwayes. Forbes.

Ed^r 23 Aug: 1704.

Her Majeſties high Commiſſioner & the Eſtates of Parliāt having conſidered this petition they in reſpect of the ſpecialitys within repreſented remitt to the Commiſsion for publick accompts to conſider favourablie the circumſtances of the Petitioners caice as is within repreſented.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Major James Cuninghame of Aiket Craveing payment of arrears read and remitted to the Commiſsion.

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[TO His Grace, John Marqueſs of Tweeddale, Her Majesty's High Commiſſioner, And the Right Honourable Eſtates of Parliament,

The Petition of Major James Cuninghame of Aiket

Humbly Sheweth

THAT where your Petitioner being imployed by the Company Trading to Africa and the Indies, went alongſt with the firſt Ships to Caledonia, a Councellour, upon the Intreaty, Deſire, and Choiſe, of many of the beſt Quality, and univerſally of the whole concerned: And as is known to your Grace and Lordſhips, that the firſt Undertakers have the greateſt difficulty, and leave their own private Affairs neglected, as particularly fell out in my caſe: For beſides the neglect of my private Fortune, which I was obliged to intruſt to others, there was due my ſelf of Arrears the Sum of 145 lib. 12 ſhilling Ster. And alſo to my Company which I ſubſiſted out of my own private Eſtate for the ſpace of nine Months, the Sum of 270 lib. Sterling whereof I was made believe I would get payment, in order to diſcharge my private Debts: Upon which Encouragement, and the natural Inclination I have to ſerve my Country, and to oblige the Honourable Perſons that dealt with me, I went along; and I am hopeful ſerved to the ſatisfaction of all concerned, returned, and made my Report; and yet my ſaids Arrears are reſting, though all the other Officers were payed up that engaged in that Voyage.

May it therefore pleaſe your Grace, and the Honourable Eſtates, to ordain me payment thereof; and for that effect to give as much of the Sums payable by Sir William Menzies; and to grant me Letters againſt him for that effect.

And your Petitioner ſhall ever pray.

Ed^r 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard & conſidered this petition Remit ꝑe ſame to the Commiſsion.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Elizabeth Maxwell spous to Captain Robert Drummond and Jean Drummond his sister and haveing right from Captain Thomas Drummond also her brother Craveing payment of arrears due to them read and remitted to the Commiſsion and the caſe of Lieutennent John Murray in the Earle of Tullihairdens late regiment likewayes remitted to the Commiſsion.

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[TO his Grace, the Marquiſs of Tweedale, Her Majeſties high Commiſsioner, and the honourable Eſtates of Parliament, The Petition of Elizabeth Maxwell, Spouſe to Captain Robert Drummond lately of the Lord Jedburghs Regiment, disbanded, and Jean Drummond his Siſter, and having Right from Captain Thomas Drummond, also her Brother.

Humbly ſheweth,

THAT there is due of Arrears to the ſaid Captain Thomas Drummond, as Lieutenant in the late Duke of Argiles Regiment, from the 1ſt of Nov. 1689. to the 1ſt of January 1691. and as Captain therein, to the 1ſt of Feb. thereafter, the Sum of 214 lib. 17ſh. 2d. Sterl. To which I the ſaid Jean Drummond have Right by Aſſignation, dated the 17th May 1701. at the ſaid captain his laſt going abroad, in the Service of the Scots-Company, trading to Africa and the Indies, for my Aliment and Subſiſtence, during his abſence, and for payment of his Debts: Likeas, there are ſeveral Arrears due to the ſaid Captain Robert Drummond; to which I the ſaid Elizabeth Maxwell his Spouſe have Right, for my Aliment and Subſiſtence; and for paying alſo his Debts: But cannot now state the ſame, in regard the Papers were left in the hands of James Hamilton, Clerk in the Cannongate, now deceaſed; whoſe Papers are not yet inſpected. And ſeing, that all the other officers who had been imployed in the Service of the ſaid Company have been specially noticed and readily payed of their arrears, as they made application for the ſame; And that the ſaids two Captains are ſtill abroad in the Companies ſervice, and have been imployd therin ſince the very firſt undertaking: And that your Petitioners Subſiſtence and aliment in their abſence does very much depend upon the ſaids arears; and that a part alſo is allocat for paying the Captains debt, as ſaid is.

May it therefore pleaſe your Grace and Honourable Eſtates of Parliament, upon conſideration of the ſaids Captains their conſtant Service to the ſaid Company, and out of compaſſion upon your Petitioners in their abſence, to order payment of what ſhall be found due to the ſaids Captains to your Petitioners, for their aliment and Subſiſtence, according to their rights, and for paying the ſaids Captains debts, and that out of any ready fond your Wiſdom ſhall think fit: And your Petitioners ſhall ever pray.

Ed^r 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard & conſidered this petition They remit ꝑe ſame to ꝑe Commiſsion.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Lieutennent Alex[r] Stirling Craveing payment of arrears read and remitted to the Commiſsion.

PETITION Lieutennent Colonell William Hay of Park Craveing payment of arrears read and remitted to the Commiſsion for the Publick Accompts to consider the petitioners caſe with that favour which his present condition and the loseing of one of his brothers in Darien and another before Namure justlie deserved.

PETITION Captain Thomas Hay Craveing a protection read and a warrand granted to cite his Creditors on twentie four hours warning.

PETITION Sir Alex[r] Bruce of Broomhall and partners Craveing repayment of depursements for the army out of some proper fonds read and remitted to the Commiſsion for publick accompts this remit neither sisting execution āgainst him and partners or at his Cautioner and partners instances against him for their relief.

.....

[UNTO his Grace her Majeſties high Commiſsioner and the right Honorable the Eſtates of Parliament
The Petition of Sir Alexander Bruce and partners
Humbly Sheweth

THAT wee were the firſt Commiſſaries to the army who reduced the matter of furrageing by Commiſſaries from the old burdenſom and clamerous way of localities; The newnes of the thing, and ſeverall difficulties that occurred, rendered it very hard and brought us to a vaſt expence and loſs before wee could accompliſh it. Notwithſtanding wherof, wee never had any abatement, nor the leaſt allowance whatſoever further than the half pondage allowed to us by the army, of ſuch money as was actually payed to them by precepts from the Theaſury, Albeit the Commiſsioners of publict accompts have by a miſtake, expreſt in ther report, as if wee had got allowance alſo, of the pondage of ſome extraneous precepts.

By our contract with the Lords of Theaſury, wee had right to the fortieth penny or half pondage of the full pay of the Army current, dureing our being Commiſsars, ſo that none of the funds could be drawen out of our hands, ſo long as ther were any pay due to the army, without allowing us the ſd fourtieth penny. Notwithſtanding wherof, ther was about 30000 lib. Ster: which would have been applyed to pay the army, and was due to them, but was diverted and imployed to other uſes, and wee therby depryved of the half pondage therof to which wee had right as ſaid is by our contract.

Wee furradged ſuch forces as were payed from England, all other Commiſſaries got allowance for ther furrageing ſuch forces, becauſe they had not the pondage of ther pay as they had of others, which was a ſupplement and ſuccedaneum for the cheapnes of the furrageing. This was our caſe exactly, and yet wee have had nothing allowed us as others had.

Wee alſo furraged the troop of Guards (who were then alſo upon Engliſh pay) with hard meat at Ed[r] a whole Seſſion of Parliāt, which continued about four moneths. All other Comiſſars have got allowance of 18 pence per day a horſe, as appears by the report of the Commiſsioners of publict accompts: And yet wee have never got any allowance except of 4 pence per day though it be very well knowen that ther was an extraordinary dearth of furrage that ſummer.

Wee haveing repreſented this matter to her Ma[tie] ſhe was graciouſly pleaſed by her royall letter to order the Commiſsioners of the Theaſury to enquyre into the truth of theſe things.

But ther Lōps did conſider that it was out of ther power to give us any redreſs in the matter, in reſpect they had already aſsigned the whole funds which were in our hands.

And ſeing by our induſtry, and to our great loſs wee were the firſt that rendered the method of furrageing, by Commiſſars, effectuall; and that all our endeavours had been to no purpoſe if wee had not furraged theſe troops alſo who were payed from England and that wee were ordered ſo to doe by the Theaſury who were ſenſible it was neceſſary for the ſervice of the Government, and that the ſame hath been allowed to all other Commiſsars, whoſe caſe was not by farr ſo favorable as ours.

Wee doe therfore humbly beg and hope that your Grace and Lōps will conſider this our ſo juſt and equitable caſe, and that ye will pleaſe to order, that the ſame, being deburſments for the army, may be provyded for, out of the funds of the Army And for that effect, that you pleaſe remit, to the late Comittie of your laſt Comiſsion of publict accompts or to any other Comittie you ſhall think fit to take in and ſtate the accompts relateing to the ſd matter, and to determine in the ſame as they ſhall ſie cauſe. Al: Bruce.

Ed[r] 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard & conſidered this petition They remit ꝑe ſame to ꝑe Commiſsion And it is declared that this remit does not ſiſt execution ag[t] him and pairtners or at his Cautioner & pairtners inſtances ag[t] him for their releiff.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITION Sir George Hamilton Craveing payment of bygone sellaries due to him read and remitted to the Commiſsion to consider his caſe and determine therein as they shall find just.

PETITION Cornet John Murray Craveing payment of arrears read and remitted to the Commiſsion.

.....

[TO his Grace the Marqueſs of Tweddale, Her Majeſties High Commiſsioner, and the Honourable Eſtates of Parliament,
The Petition of Cornet John Murray.
Humbly Sheweth,

THAT your Petitioner had the honour, dureing the late Warr, to ſerve as Adjutant and Cornet in the Regiment of Dragoons; first commanded by the Marqueſs of Lothean, and afterwards by the Lord Forbes; for which there is due to your Petitioner the Soum of two Hundered thretty seven pounds eleven Shil: Sterl: as two full Years pay as Adjutant; and Ninety two pounds ſixteen ſhil: 6d: money foreſaid for Arrears, which are clearly stated and allowed in the Theſaury Books: And ſeing all the Officers, both in that Regiment and Colonel Cunningham's, had the intereſt to recover the full Pay that was due to them, and that your Petitioner only had the misfortune to be over-looked; So that being ſtated in more particular circumſtances, and his caſe being ſingular from all other Officers in the Army, he preſumes, with all duty and humility, to apply for your Grace and Lordſhips juſtice and compaſſion.

Humbly beſeeching, that your Grace, and the Honourable Eſtates of Parliament, may be pleaſed to order payment of two full Years Pay, and what Arrears are due to your Petitioner, out of theſe Fonds which are appropriated for clearing the Arrears of the Army.

And your Petitioner (as in duty bound) ſhall ever pray, &c.

Ed[r] 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard & conſidered this petitione they Remitt ꝑe ſame to ꝑe Commiſsion.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITIONS James Maxwell John Drummond and James Dunlap late generall receavers Craveing payment of the ballance of ane accompt due to them read and remitted to the Commiſsion to consider the petitioners caſe and determine therein.

.....

[UNTO His Grace, John Marqueſs of Tweeddale, Her Majeſties High Commiſſioner, and the Right Honourable the Eſtates of Parliament,

The Petition of James Maxwel and John Drummond, late General Receivers.

Humbly Sheweth,

THAT your Petitioners having Commiſſions under the Great Seal to uplift His Majeſties whole Revenues within this Kingdom, did continue in the exerciſe of their Office, until the Year 1689. At which time, it pleaſed the Convention of Eſtates, to Nominat James Oſwald of Fingletoun, to ſucceed to the ſaid John Drummond, in receiving the Supply and Inland Exciſe, and paying of the Army, And at the ſame time, Ordered the ſaid John Drummond to give in a Liſt of the whole Supply and Inland Exciſe, reſting at that time, which accordingly was done, the Sum thereof (as the ſaid James Oſwald hath compted for) amounting to 468483 pounds 18 ſhillings Scots, Whereby your Petitioners, without clearing their Accompts, were debarred from uplifting any more Money.

In Anno 1692, there being Commiſsion granted to audite the publick Accompts, your Petitioners fitted and inſtructed their Accompts before the Lords Auditors, by Ballance of which, there is due to them lib. 8430 1 ſh. Scots Money; And ſeeing your Petitioner did advance this Money to the Army in Anno 1688, beſides far greater Summs from time to time, for which ane Acknowledgement of 1500 pound ſterling was promiſed, The King having allowed 3500 pound ſterling yearly, for Intereſt of their Advances, who paid the Army formerly.

May it therefore pleaſe your Grace and Honourable Eſtates of Parliament to conſider the Premiſſes, and order effectual Payment to be made to your Petitioners, of the foreſaid Ballance of 8430 lib. 1 ſh. Scots, and of the Annualrent thereof ſince Anno 1688, and ſuch a Summ as your Grace and Honourable Eſtates ſhall think fitt for their other Advances to the Army; Seeing by their good Management there was 3500 lib. ſterl. ſaved yearly to the Theſaury.

And your Petitioner ſhall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ye Eſtates of Parliament haveing heard & conſidered this petition Remitt to ye Commiſsion to conſider ye petitioners caſe.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITION Isobell Kerr Lady Manderston Craveing payment of arrears due to her deceaſt husband read and remitted to the Commiſsion.

.....

[UNTO his Grace, Her Majeſties High Commiſſioner, and the Right Honourable the Eſtates of Parliament,

The Petition of Iſobel Ker Relict of the deceaſt Captain John Home of Manderſtoun, and Elizabeth Home her Daughter.

Humbly Sheweth,

THAT your Petitioners Husband having from the year 1685 to his Death in May 1702, ſerved his Countrey at Home and Abroad in the Warrs, and acquitted himſelf honourably on all occaſions, and particularly at his death in the Siege of Kaiſerwart where he was killed, to the inexpreſſible loſs of your Petitioners, ſeing on his life depended our Subſiſtance.

And whereas in all ages, perſons who ſignalized themſelves in the Service of their Countrey, and eſpecially thoſe who loſe their Life for the ſame, are both honourably remembred, and care taken of their Relicts and Children; Your Petitioner humbly repreſents, that while the ſaid Captain Home was in the Regiment commanded by the right Honourable the then Lord Stranaver, he had from the 22 of April 1699 to the laſt of March 1701 only Subſiſtance allowed him, ſo that for the ſpace of 2.3 Months one Week 4 ſh. ſterl. per diem was ſtopped of his Pay, amounting to the Sum of 130 lib. 4 ſh. ſterl. as is ſtated in the Pay-maſters Books herewith produced, which is ſtill reſting unpayed, and to which I the ſaid Iſobel Ker have right by Diſpoſition from my Husband.

May it therefore pleaſe your Grace, and the honourable the Eſtates of Parliament, to conſider your Petitioners deſtitute Condition, and as an Act of Juſtice, to order the payment of my Husbands Arrears out of the firſt and readieſt of the Funds laid on, or to be laid on, and ſeing your Petitioners had no other Fund of Subſiſtance but her Husbands Pay; May it pleaſe your Grace in Commemoration of my Husbands good Services, to ordain an Annual Penſion as ſhall be thought proper for our future ſubſiſtance. And your Petitioners ſhall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties high Commiſsioner and the Eſtates of Parliament having Conſidered this petition They Remitt to the Commiſsion for publick accounts to conſider the ſame & to doe therin as they find juſt.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITION the Dutches of Argyle Craveing payment of arrears due to the late Duke of Argyle read and remitted to the Commiſsion.

.....

[TO His Grace, Her Majeſties high Commiſſioner, and the right Honourable the Eſtates of Parliament,

The Petition of Elizabeth Dutches Dowager of Argyle as having Right to the Deceaſt Duke of Argyle her Husbands Arrears as Collonel to Her Majeſties Horſe-Guards, and the Remanent Officers of the foreſaid Guards.

Humbly ſheweth,

THAT where there being Twenty nine Moneths of Clearance and Cloathing Money due to your Petitioners, and that from the firſt of January 1698, to the firſt of June 1700, conform to an Accompt ſubſcrived by the Clerk of the Theſaury herewith produced.

May it therefore pleaſe your Grace and Right Honourable the Eſtates of Parliament, to take the Premiſſes to your conſideration, and to order ſuch Fonds for payment of the ſaid 29 Moneths Clearance and Cloathing Money as your Grace and Lordſhips in juſtice ſhall think fit. And your Petitioners ſhall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties high Commiſsioner & the Eſtates of Parliament having heard this petition they remitt to the Commiſsion for publick accompts to conſider the ſame and to doe therin as they find juſt.

SEAFIELD Cancellar. I. P. D. P.]

.....

PETITION Captain James Stivenson Craveing payment of arrears due to him read and remitted to the Commiſsion.

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[TO His Grace the Marques of Tweedale Her Mãties High Commiſsioner And The Honourable Estates of Parliament

The Petition of Captain James Stivinſone somtyme Brigadeir in the Regiment off Horſe Guards

Humblie Sheweth

THAT your Petitioner not being in the termes of theſe Officers, who were diſbanded after the peace of Ryswick is obleidged to make his humble application to your Grace and Lõp by himself and with all duty and ſubmiſsion, represent, That your petitioner has served long and faithfully in his said station, during which tyme there is one hundred and fourty two pounds two shillings Sterling dew of clearance as the accompt herewith given in, and fully inſtructed by the Theſaurie Books will testifie.

Your Petitioner being theſe three years out of Employment has brought his small stock to a very low Ebb, and he has little or nothing but his Clearance to depend on for his support in tyme coming which he hopes and expects from the united wiſdome and justice of your Grace and the High Court of Parliament.

Wherefore your Petitioner humblie beſeeches your Grace and the Honourable Estates of Parliament to take his particular case to consideration and to order payment of his said Clearance, out of the firſt and readieſt Fonds in being, or to be imposed for clearing the Arreirs dew to the Officers of the Army or oꝑwayes to subsist him till there be ane occaſion to provyde him in her Mãties ſervice.

And your Petitioner shall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties High Commiſsioner & ꝑe Eſtates of Parliãt haveing heard & conſidered this petition They remitt ꝑe ſame to ꝑe Commiſsione.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Sir William Hope of Balcombie Craveing payment of arrears due to him read and remitted to the Commiſsion.

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[TO His Grace, John Marqueſs of Tweeddale, Her Majesty's High Commiſſioner, And the Right Honourable Eſtates of Parliament,

The Petition of Sir William Hope, late Deputy-Governour of the Caſtle of Edinburgh.

Humbly Sheweth

THAT having the Honour at the late Revolution, to Command an Independent Troop of Horſe, belonging to the Shire of Fife, which I Cloathed immediatly after their being Levied, upon my own private Credit; ſo that there is reſting to me, of my own proper Pay and Cloathing Money for the ſaid Troop, the Sum of 250 Pounds Sterling, conform to a particular Accompt given in by me to the Honourable Commiſsion appointed for Reviſing and Auditing the Accompts of the publick Funds. As alſo, Her Majeſty having been pleaſed to diſpoſe of my Commiſſion as Deputy-Governour of the Caſtle of Edinburgh, in February was a Twelve Month, without having any Misbehaviour to lay to my Charge: At which time there was alſo due to me of Arrears, while I ſerved in that Poſt, the Sum of 194 Pounds Sterling, which with the former Sum of 250 Pounds, amounts in all to the Sum of 444 Pounds Sterling. And it being moſt juſt and reaſonable, ſeing your Petitioner not only imployed his private Credit for the Cloathing of his Troop, but hath been alſo after a very ſingular and unprecedented manner turn'd out of his Imployment, that he ſhould be cleared of what is owing to him by the Publick.

May it therefore pleaſe your Grace, & Right Honourable Eſtates of Parliament, to take your Petitioner's unprecedented Circumſtances under your Conſideration, and to order, as you have been pleaſed lately to condeſcend to ſome other particular Officers, that the foreſaid Sum of 444 Pounds Sterling be paid in to your Petitioner, out of the 5000 Pounds Sterling payable by Sir William Menzies at Martinmaſs and Candlemaſs next.

And your Petitioner ſhall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard & conſidered this petitione they remitt ꝑe ſame to ꝑe Commiſsion.

SEAFIELD Cancellar. I. P. D. P.]

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ORDERED that all the officers that went to Caledonia have preference out of the respective fonds in which they are concerned.

PETITION James Bayne Craveing payment of a sum due to him read The Parliament declaired they would take this petition & the petitioners caſe to their consideration when they can conveniently and in the mean time recommend to the Lords of Theſaury to pay the petitioner yearlie for his aliment ane hundred pound Sterling to be payed quarterlie ay and while his caſe be taken into consideration.

PETITION Sir James Stewart her Majesties Advocat Craveing a proces of proveing the tenor may be remitted to the Lords of Seſsion to be by them cognoſced and finallie determined with a parliamentarie power read and remitted to the Lords of Seſsion to determine in the said proces summarlie without abyding the course of the roll.

PETITION Colonell Scipio Hill Craveing payment of arrears due to him read and his caſe remitted to the Commiſsion to be determined by them with that favour and dispatch which his pains and charge in comeing twise to Scotland on that affair and his neceſsary residence in England does juſtlie require.

PETITION Sir Wm Meinzies Craveing to be exonered of his tack and tack duty upon payment of the fyve Thousand pound Sterling decerned by the Parliament to be paid at Martimes and Candlismes nixt read and the Marques of Loathian and the officers of the army allowed to ſee and anſuer the same the first Sederunt after to morrow and in the mean time remitt to the Commiſsion the scrutiny of his accompt.

PROPOSAL Doctor Chamberlain and James Armour anent a Land Credit remitted to the Commiſsion and to report.

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[UNTO his Grace John Marques of Twedale Her Majeſties high Commiſsioner and the Right Honourable the Estates of Parliãt The humble petitioners Hugh Chamberland Doctor in Phisick & James Armour merchant

Sheweth

THAT whereas your Petitioners in ꝑe last Seſsion of this current Parliãt did lay before this High and Honourable Houſe the Consideraõn of a Nationall Current credit for the Supply of money and the Releiſe of the Poor and for carrying on both forraigne and domestick affairs.

Your Petitioners doeth humbly pray that the Parliament would be pleaſed to appoint a ſelect Committie ſtrictly to examin both there Overtures & to discover how farr joyntly or seperatly they may appear for the honour and profitt of

this Kingdome (and to that end) and also to the generall satisfaction of this Nation that they may receave all objectiones with ꝑr Answers and transact the whole proceedings in writtings and in caice the ſd Committy by reason of ꝑe shortneſs of this Seſsion cannott be ready to make a report that they be authorized to sitt from tyme to time dureing ꝑe intervall of Parliät to Cognoſce the ſame and Report it at the beginning of the nixt Seſsion of this or any succeeding Parliament.

And yor Petitioners shall ever pray.

Edr 23 Auguſt 1704.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliät haveing heard & conſidered this petition They remitt ꝑe ſame to ꝑe Commiſsione.

SEAFIELD Cancellar. I. P. D. P.]

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PETITION Lord Bargany Craveing a decreit of the Commiſsion of Parliament anent the Pole with the anſuers thereto by the taxmen of the pole read and remitted to the Lords of Seſsion to determine the cauſe summarly with a parliamentarie power and in the mean time sisted execution.

THE Accompt of the Pole money the year 1695 read The first observation sustained the taxmen instructing the verity of the imbazlement before the Commiſsion As to the second observation After hearing the tacksmens lawyers and debate thereon It was put to the vote Allow the quadruples of the army as ane article of the discharge Yea or Not and Carried in the affirmative And remitted to the Commiſsion to state the extent thereof The third observation remitted to be instructed before the Commiſsion otherwayes not to be allowed The fourth observation read The allowance mentioned therein was refused.

ACCOMPT of the Pole money 1698 read.

ORDERED that the Commiſsion take tryall of undue transactions made by the taxmen collectors or any persons concerned in the publict fonds with the countrie or officers of the army and report next Seſsion of Parliament.

THE second observation not allowed unleſs he inſtruct payment before the Commiſsion The third observation remitted to the Commiſsion to inquire thereanent.

PETITION Colonell George McGill representing that William Cochran of Ferguslie taxman of the Pole 1698 had extorted from him a defalcation of Eight hundred and twelve pound Sterling as the twentie fyfth and eight pairts of a sum contained in a precept drawen by the Lords of Thesaury for payment of cloathing money and arrears read with other complents of defalcations extorted from the seamen and others of money due to them by the publict and severall abuses committed by him and his subcollectors in collecting and giveing out the said Pole.

ORDERED that the said William Cochran be carried to prison untill he find bail under the penaltie of twelve thousand pound Scots to compear to anſuer the complents given or to be given in against him and the farther consideration of this affair continued till the nixt dyet of Parliament.

. . . . . .

[WARRAND for the imprisonment of William Cochran of Ferguslie.

Edinb. 23d August 1704.

HER Majesties High Commiſsioner and the Estates of Parliament Order and Command the person of William Cochran of Ferguslie to be taken from the Bar by the Earle of Marischall or the Captain of his Guards and delyvered at the door of the Parliament house to the Earle of Erroll High Constable or to the Captain of his Guards and brought by them to the Tolbooth of Edinburgh therein to be keeped prisoner by the Magistrats of Edinburgh and keepers of the said prison untill he find sufficient Caution to answer the severall Complaints already exhibited or to be exhibited against him for his retaining and withholding a pairt of the money contained in the severall precepts drawn upon him by the Lords Commiſsioners of Her Majesties Thesaury from the persons in whose favours they were drawn notwithstanding his takeing recepts for the whole and to compear befor the Parliament or any Commiſsion or other Court to whom his case shall be remitted and to attend the severall dyets of his tryall thereanent under the penalty of Twelve Thousand pound Scots money for which these presents shall be a sufficient warrand.

SEAFIELD Cancellar. I. P. D. P.]

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THE Lord Chancellour by order of the Lord High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 24, 1704.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

MOVED that the Act for ane additionall repreſentation of Commiſsioners for Barrons might be read a second tyme Likewiſe moved that the Parliament proceed upon the report of the accompts of the publick fonds And after reaſoning Agreed that the accompts come firſt in And next to them the Plot Nixt thereafter the Act for ane additionall repreſentation of the Barrons And then the Act for secureing free voteing in Parliament previous to all other buſsineſs whatſomever and nothing to interveen.

MOVED that in regaird both the contraverted Commiſsioners for the ſhyre of Roſs have found that they had equall votes Ordered that a warrand be granted to the freeholders of the ſaid ſhyre to meet at Michaellmeſs nixt to make a new election of a Commiſsioner to the Parliament.

THE Parliament having taken to their farder Conſideratione the affair of Cochran of Ferguſlie Ordered that he be brought out of priſone to the barr And after his being farder examined It was remitted to the Commiſsione to take farder tryall of the Complaints made or to be made againſt him and to report And thereafter it was put to the vote Remit the determination of theſe Complaints in ſo far as they concern the intereſt of private partys to the Commiſsione or to the Lords of Seſsion And carried Remit to the Seſsion to be by them ſummarly diſcuſt.

IT was likewiſe remitted to the Commiſsione to inquire into abuſes committed by any of the receavers or their ſervants to report.

ORDERED that the members that are preſent at calling the rolls and abſent from a vote without leave be fyned as if they were abſent the whole federunt.

THE fourth obſervation on the diſcharge of the accompt of the pole 1698 with the memoriall given in be Ferguſlie read And after reaſoning thereon It was put to the vote Allow the quadruples of the army as ane article of the diſcharge Yea or Not and Carried in the negative.

It

ORDERED that the article in his Memoriall that the books were not returned in due tyme from the feverall ſhyres thereinmentioned be remitted to the Commiſsion to inquire anent what damnadges he ſuſtained thereby on the ſaid accompt and what abatement he ſhould have therefore and what part of the ballance he ſhould retain in his hands and to ſiſt execution for the ſaid part and to report nixt dyet of Parliament.

ORDERED that he be ſent back to priſone and there continue ay and whill he find baill in the termes of the former ordinance And it is heirby declared that the ſaid baill is only to continue to the next Seſsion of Parliament incluſive.

MOVED that any preferences granted to the tuo Captaine Drummonds upon the appropriated fonds might not prejudge the officers private right to the saids fonds, and the furder conſideration thereof delayed.

AGREED that the Dutches of Buccleughs petition come in the firſt Sederunt of Parliament for private buſsineſs before all other private buſsineſs.

THE Lord Chancellor by order of the Lord High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 25, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Act in favours of the Commiſsioners of Justiciarie The act for exporting of Wooll and the Act continueing the Commiſsion were tutched with the Scepter by her Majesties high Commiſsioner in the usuall manner.

PETITIONE Mr Walter Smith miniſter of the Castle of Edinburgh Craveing payment of Seventie fyve pound Sterling resting to him free of pondage and invalide money read And remitted to the Commiſsion for bygones reſting to him and to the Lords of Thesaurie as to what shall fall due to him in time comeing.

THE Parliament haveing considered Sr Wm Douglas his representatione They remitt him to the Commiſsione as others in the like caſe and recommend him to the Queens Majestie to provyde for him in conſideration he had his estate in France forfeited for his religion & for the Nations cauſe.

THE proces Captain Thomas Hay against his creditors called and none compearing a protectione was granted to him till the nixt Seſsione of Parliament inclusive.

THE proces Patrick Steell against his Creditors called and none compearing a protection was granted to him till the nixt Seſsione of Parliament inclusive.

PROCES George Dundaſs against his Creditors called and none compearing a protectione was granted to him till the nixt Seſsione of Parliament inclusive.

THE Accompt of the Tunnage read.

THE petitione Alexr Nisbet read and Recommended to the Commiſsione for any fond can be found for him.

MEMORIALLS for Mr Adair and Captain Sletzer with a petitione for Sir Robert St Clair read and remitted to the Commiſsione with preference to their respective interests conforme to the act of Parliament.

AS to the rests and imbazlements of the tunnage remitted to the Commiſsione to aſsist Sir Andrew Hume to make the impoſitione effectuall and to hear any representations theranent and recommend to the Lords of Thesaury and Exchequer to roup the same with the burden of his bygone sallaries.

ACT for ane impoſitione on forraigne ships in favours of Mr Adair to bear his charge of finishing the maps and descriptions of the sea coasts and Islands read with the report of the Commiſsione concerning the progreſs made by him Ordered that in the act there be insert that he goe on to perfect the sea maps in the first place and nixt the land maps and that the duty be twelve shilling on the tunn and to endure for fyve years & then ordered a first reading to be marked on pe act.

THE Accompts of the Admirality read The first obſervation sustained The ſecond obſervatione remitted to the Commiſsion to inquire theranent and to report.

THE Parliament haveing heard that part of the report relateing to the false musters with a petition presented by John Smith offering to discover the same And being called alleadged that Thomas Bruce generall muster master had receaved ane hundred pound Sterling and one man of each company of the regiment in the garrison of Inuerlochie to get their muster rolls compleitly given in which he offered to prove by Collonell Forbes and John Forbes agent to the regiment and of consent of Mr Bruce John Forbes was examined and he ordained to produce his books on oath before the Commiſsione and remitted to them to meet to morrow at eight a cloak to inspect the articles in the book and to call the ſaid John Forbes Collonell Forbes or any other who wer officers in that regiment and to state the whole articles relateing to this affair and the manner of probatione and by whom and to report to the Parliament.

PETITIONE the Earle of Marchmount Craveing a ratification of a charter in his favours to be past read.

REMITTED to the Commiſsione to inquire how far Killmaronock and his partners were leſed in their tack of the exciſe and to report.

ACCOMPT of the Arrears due to the army for clearings and cloathing money read.

OVERTURE for ane act anent misapplyeing the fonds read.

ACCOMPT of what is resting to the publict of the Ceſs Exciſe Hearth money Pole money and Tunnage since the year 1698 to 1701 read The first three articles remitted to the Commiſsione to inquire if theſe that were receavers at that time receaved theſe ballances and the Lords of Thesaurie ordered to raise proceſses against the deficients The fourth article with the abbreviat given in for exhausting the same remitted to the Commiſsione The fyfth article remitted to the Commiſsione As to the payment of the sums in the Duke of Queensberries and late Duke of Argyles bonds remitted to the Commiſsione to hear their defences and to divyde amongst the officers who had right to theſe fonds out of which theſe sums were borrowed what shall be found due As to Colonell Hamiltons bond the contents thereof cleared formerlie As to all the fractions of ceſs omitted the quota to be keeped up and the Collectors lyable & what is omitted in generall remitted to the Commiſsion to inquire thereanent and to report.

THE Parliament declaired they would Conſider Sir William Meinzies petition nixt Sederunt.

MOVED that inquirie be made anent the arrears of the tack duty of the Lord Balhavens tack in the termes of the delyverance of Parliament theranent in his favours And the question being stated Whither to remitt the same to be determined by the Lords of Exchequer or to the Commiſsion of Parliament to make inquirie and report again the nixt Seſsion of Parliament and caried Remitt to the Commiſsione.

THE Lord Chancellour by order of the Lord High Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 26, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE proces the Laird of Clackmannan against his Creditors being called and none of them compearing Protection was granted to him to the nixt Seſsion of Parliament inclusive.

THE Ratification of a Charter in favors of the Earle of Marchmont paſt.

THE Act for the impoſition on all foraigne ſhips read the ſecond tyme And after ſeverall amendments made thereon it was put to the vote Approve or Not and carried Approve and tutched with the Scepter by her Majestys High Commiſsioner in the uſuall manner.

THE Parliament haveing heard the report of the Commiſsion to whom it was remitted to inquire farder into the Complaint given in by John Smith against the generall muſter maſter and they both being preſent John Smith craved that John Forbes agent to Collonell Hills regiment then in the gariſon of Inverlochie might be examined on the interrogators given in by him who being called was examined & thereafter the farder inquiry in this whole affair both in that regiment & all the other regiments since the time the generall muſter maſter got his commiſsion and all the muſter maſters Deputs & agents for the regiments since the revolution remitted to the commiſsion with power to them to call & examine witneſses & likewayes to call for Papers Writes & Documents for clearing this whole mater and to report nixt Seſsion of Parliament.

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[DEPOSITION of John Forbes in pñce of Parl[t]
Edr 26 Auguſt 1704.

IN pñce of her Mãties high Commiſsioner & the Eſtates of Parlt Compeared John Forbeſs fourtime agent for Colt Hills Regim[t] who being ſolemnly ſworn examin'd & introgat whether or not he ſent his ſervant about the moneth of July 1699 to John Smiths houſe at the head of Grays cloſse in Edr the ſd John being then lately a ſervant imployed by the muſter maſter gñall deſireing the ſd John Smith to come up to him to ſpeak with him which the ſd John Smith did & when he came there whither or not the deponent did take the ſd John Smith into a back roome and offered him a ſume of money in hand and that he ſhould be repon'd to his former poſt within a moneth or two Iff he would leave off his purſuit and whither or not Mr Bruce wes in another roome of the ſd houſe at the time Depons That the deponent reñbers not that ever he ſent for Mr Smith to his houſe and that Mr Bruce never Imployd him to ſpeake to Mr Smith in any point of this mater nor any other that he can reñber in Mr Bruces name And being introgat if he adviſd Mr Smith at any time to deſiſt from his purſuit ag[t] the muſter maſter Depons That he cannot be poſitive whither he did ſo or not And being Introgat if he knows that Mr Bruce had receaved any gratification from the ſd Regim[t] for altering muſter Rolles Depons That he knows of no money nor gratifica'n given to M[r] Thomas Bruce himſelf ſince he was muſter maſter But that ſometime after the controverſie concerning the muſter Rolles he did by order of Colt Hill pay in ſixty punds Sterling or therby to Alex[r] Bruce his brother And being farder Introgat anent the ſd Captain Thomas Bruce muſter maſter his geting the pay of a man per Company from the ſd Regim[t] Depones that he payd for ſome moneths to the ſd Alex[r] Bruce ten ſhillings ſterling monethly from ilke company therof and that he payd the ſd money quarterly twice or thrice And depons he has no books of accompts of the pay of the ſd Regiment ſome of theſe books having been cancelled at diſbanding that Regim[t] & the reſt being exhibited in a pceſs betwixt Liv[t] Colt Forbeſs & ſome of the officers And this the truth as he ſhall anſr to God. Jo Forbes.

SEAFIELD Cancellar. I. P. D. P.]

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PETITIONS Lieutennent Smith & Cornet Henry Montgomery Craveing arrears dew to them read & remitted to the Commiſsion.

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[PETITION for Lieutennent James Smith

TO his Grace her Ma[ts] high Commiſsioner and the Right hon[ble] the Estates of Parliament

The Petition of Lieutennent James Smith

Humbly Sheweth

THAT where your petitioner hath served theſe several yeares bygone as Ensign and Lieutennent in the Garrison of the Caſtle of Edinburgh during which time there is due to me of Arrears the sum of one hundered and ten pound Sterling conform to the particular accompt thereof attested by Captain James Coult in the ſd Caſtle of Edin[r] herewith produced And it being just and reasonable that yodr petitioner be payed of what is due to him by the publick, for, having no other meanes of subſiſtance for myselfe and family & the small credit I had being now failed, I am not only under legal distreſses at the inſtance of my rigid Creditors but also under a heavy preſsure of present want.

May it therfore pleaſe your Grace and Lops, to consider my caice which is at preſent very hard and to appoint my pay[t] to be made out of any fond your Grace and Lops ſhall think fitt, At leaſt to remitt my caice to the hon[bl] Commiſsion that they may ordor my pay[t]

And your Grace and Lop[s] petitioner ſhall ever pray.

Ane Account of Clearance due to Leiv[t] Ja: Smith

	£	sh.	d.
Impis Due to him as Enſign 14 moneths viz Nobr & Debr 1696 & the year 1697 monethly 2 l 2 sh. Inde	29	08	00
It: Due as Leiutennent six moneths in 1698 commencing in July the whole year 1699 & eleven moneths in 1700 at 2 l 5 16 sh. p moneth Inde	81	04	—
Summa	110	12	—

I Captain James Coult in the Caſtle of Edin[r] do hereby declare that the forsd moneths are due to James Smith in the different capacities of Enſign & Leivetennent in the Caſtle of Edin[r] Witn & ſigned in the sd Caſtle 23[d] March 1704 Sic ſubr Ja. Coult.

Edr 26 August 1704.

Her Majeſties high Commiſsioner & pe Eſtates of Parl[t] haveing heard & conſidered this petition They remitt pe ſame to pe Commiſsion.

SEAFIELD Cancellar. I. P. D. P.]

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[PETITION for Cornet Henry Montgomery

TO the Lord High Chancellar of Scotland
May it pleaſe your Lordſhip
HAVING ſerved as Cornet in the lait Earle of Eglintouns troup of Light horſe from Auguſt 1689 to October 1690 and Living at a Diſtance from this place wher I had not the fortune to wait daylie vpon the meetings of the Diſbanded Officers, By which I find I am neglected out of the liſt given in to the Parliament which I underſtand is marked to be inſpected by the Commiſsion of Parliament
May it therfore pleaſe your Lop: to Conſider the premiſses And procure your petitioner to be inſerted in the ſaid liſt having got neither Clearings nor ſubſiſtance for the forſds moneths Except for the moneth of September 1689 And your Lõps Petitioner as in duty bound ſhall alwayes pray &c.
H Montgomerie.

Edr 26 Auguſt 1704.
Her Majeſties high Commiſsioner & ye Eſtates of Parliament haveing heard & Conſidered this petition They remitt ye ſame to ye Commiſsion.
SEAFIELD Cancellar. I. P. D. P.]

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ACT anent the misapplying the publick fonds read & a firſt reading ordered to be marked thereon & to be printed.

ACT for armeing the Countrey read & a first reading ordered to be marked thereon & to be printed.

THE Parliament proceeded to take the affair of the Plot into Conſideratione It was moved that ſince there is no ſufficient documents but only copys of papers produced her Majeſty be addreſsed to send to the nixt Seſsion of Parliament the principall papers relateing thereto And it was reſolved nemine contradicente that there be a draught of ane Addreſs brought in from the Parliament to the Queen to lay before the nixt Seſsion of Parliament all the principall papers relating to the plot and to send the evidences perſones and witneſses to appear at the nixt Seſsion of Parliament.

THE Lord Chancellor by order of the Lo. High Commiſsioner Adjourned the Parliament till Munday nixt at ten a cloak.
SEAFIELD Cancellar. I. P. D. P.

August 28, 1704.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

ORDERED that the tuo Captain Drummonds have preference for their arrears as is contained in the Minuts of the date the tuentie third inſtant.

THE Addreſs to be ſent to her Majeſtie read And after severall amendments made thereon It was put to the vote Approve or Not and carried Approve.

AFTER which Her Majeſties High Commiſsioner made a ſpeech to the Parliament as followes.

My Lords and Gentlemen
Yow have now ſitt long and I think you cannot complaine that yow have been cut ſhort by frequent Adjournments or ſhort Sederunts In this time more might have been done However some good Laws are paſt and one in particular which Gives ſufficient Evidence of the diſpoſitione her Majeſtie was in to have Gratified yow in whatever was reaſonable I advertiſed yow latelie that yow had not much longer time to ſit and tho I cannot but ſay the time yow have had ſince has been uſefullie Imployed yet if more diſpatch had been made some of thoſe good Laws which are before yow might have paſt But now I muſt tell yow that I am not allowed to Give yow any more time Her Majeſtie thinking a ſhort receſs neceſsarie at present So it will not be long before yow have ane oportunitie of doeing what ſtill remains fit to be done for I can aſure yow no diſappoyntment that Her Majeſtie has met with will in the leaſt alter her gracious diſpoſitione towards this her ancient Kingdom.

THE Lord Chancellor by order of her Majeſties high Commiſsioner Adjourned the Parliament till the seventh day of October nixt.
SEAFIELD Cancellar. I. P. D. P.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN AT EDINBURGH, JUNE XXVIII, M.DCC.V.

June 28, 1705.

PRAYERS said.

HER Majesties Commiſsion to John Duke of Argyle for repreſenting her Royall person in this Seſsion of Parliament read by the Lord Clerk Register and ordered to be recorded.

ROLLS called.

THE Earl of Forfar proteſted in name of the Duke of Douglas that the calling of any other in the Rolls of Parliament may not prejudge him of his first vote in Parliament.

THE Earle of Forfar alſo proteſted in name of the Earle of Sutherland against the calling of any other Earle before him.

THE Earle of Mar proteſted against the calling of any Earle before him.

THE Earle of Findlater proteſted against the calling of the Earle of Airly before him.

HER Majestys Gift and Commiſsion in favours of James Earle of Seafield to be Lord High Chancellor read and ordered to be recorded And then the Lord Clerk Register adminiſtrat the oath of alledgeance to him who swore the ſame with the aſsurance and took the oath of Parliament.

HER Majestys Gift and Commiſsion in favours of Sir James Murray of Philiphaugh to be Lord Clerk Register read and ordered to be recorded Thereafter the Lord High Chancellor adminiſtrat the oath of alledgeance to him who swore and subscribed the ſame with the aſsureance and took the oath of Parliament.

HER Majestys Gift and Commiſsion in favours of William Marquis of Annandale to be one of the Principall Secretaries of State read.

AS alſo Her Majestys Gift and Commiſsion to Hew Earle of Loudoune to be the other Principal Secretarie of State read and both Commiſsions ordered to be recorded.

HER Majestys Gift and Commiſsion to David Earle of Glasgow to be Lord Thesaurer Depute read and ordered to be recorded who thereafter swore the oath of alledgeance ſigned the same with the aſſureance and took the oath of Parliament.

HER Majestys Gift and Commiſsion to Adam Cockburne of Ormiſtoun to be Lord Justice Clerk read and ordered to be recorded who thereafter swore the oath of alledgeance ſigned the ſame with the aſsureance and took the oath of Parliament.

CHARLES Earle of Erroll Lord High Conſtable and David Earle of Weymes swore the oath of alledgeance subscribed the ſame with the aſsureance and took the oath of Parliament.

Sir David Ramsay of Balmain one of the Commiſsioners elected for the Shyre of Kincardine in place of the deceaſt Sir James Falconar of Phesdo swore the oath of alledgeance subscribed the ſame with the aſsureance and took the oath of Parliament.

Sir Peter Hackat Commiſsioner for the burgh of Dumfermeling and M[r] James Stewart Commiſsioner for the burgh of Queensferrie swore the oath of alledgeance subscribed the same with the aſsureance and took the oath of Parliament.

MOVED that there being two Commiſsions preſented laſt Seſsion of Parliament from the Shyre of Clacmannan one for Andrew Burnſyde of Heartſhaw the other for M[r] Alex[r] Abercrombie of Tulliboddie and Burnsyde being now dead Tulliboddie ſhould be admitted.

MOVED that seeing there was a Competition betwixt theſe two Commiſsions there be a competent tyme allowed to acquaint the Barrons and Freeholders of that Shyre for objecting against Tulliboddies Commiſsion if they think fit and that before he be admitted And after some debait it was put to the vote Admitt or Delay and carried Admitt Tulliboddie thereafter swore the oath of alledgeance subscribed the ſame with the aſsureance and took the oath of Parliament.

HER Majestys Commiſsioner acquainted the Parliament that he had a Letter from Her Majesty to them but in respect many of the Members were not yet come to Toun he thought proper to delay preſenting the Letter till the Parliament were more fully aſsembled.

AFTER which My Lord Chancellor by order of Her Majestys High Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a clock in the forenoon.

SEAFIELD Cancellar. I. P. D. P.

July 3, 1705.

PRAYERS said Rolls called.

A LETTER from her Majesty to the Lord High Commiſsioner read appoynting Lord Archibald Campbell brother German to his grace to have the place and vote of the Lord High Theſaurer in this Seſsion of Parliament who swore the oath of alledgeance ſubſcribed the ſame with the aſſureance and ſwore the oath of Parliament and theraſter took his place.

James Black Commiſsioner elected for the burgh of Dyſert in place of George Eastone deceaſt swore the oath of alledgeance ſubscribed the same with the aſſureance and ſwore the oath of Parliament.

Mr Roderick McKenzie of Prestonhall commiſsioner elected for the burgh of Fortroſe in place of Mr John McKenzie of Aſsint deceaſt swore the oath of alledgeance ſubscribed the ſame with the aſsureance and swore the oath of Parliament.

MINUTS of the laſt Sederunt read.

MOVED that Alexr McKie of Palgowen being admitted laſt Seſsion of Parliament but he haveing of conſent declaired that he would not vote till the Competition betwixt him and Patrick Murdoch of Cumlodden ſhould be determined And ſeeing Cumlodden does not Compear to Compete he ought now to have his vote After ſome Debaite it was agreed to that he ſhould have his vote in Parliament.

THE Double Election of the Laird of Balnagoun and Mr George McKenzie of Inſhcoulter for the shyre of Roſs appoynted to be conſidered nixt meeting of Parliament.

HER Majestys Letter to the Parliament preſented by her Majestys Commiſsioner and read by the Lord Clerk Register.

HER Majestys Commiſsioner made his Speech to the Parliament as alſo my Lord Chancellor made his Speech to the Parliament.

MOVED by the Marques of Annandale that her Majestys Letter to the Parliament with the Commiſsioners and Lord Chancellors Speeches to the Parliament be printed.

ORDERED that Her Majestys Letter with the Lord Commiſsioners and the Lord Chancellors Speeches to the Parliament be printed.

THEN the Lord Chancellor by Order of her Majestys high Commiſsioner Adjourned the Parliament till Friday nixt at ten a cloak in the forenoon.

SEAFIELD Cancellar. I. P. D. P.

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[THE Speech of His Grace John Duke of Argyle, &c. Her Majeſties High Commiſſioner to the Parliament of Scotland, on Tueſday the Third of July 1705.

My Lords and Gentlemen,

HER Majesty has in Her moſt Gracious Letter expreſſed ſo much Tenderneſs and Affection towards this Nation, in aſſuring you, that She will maintain the Government as Eſtabliſhed by Law, both in Church and State; And acquainting you that She has been pleaſed to give me full Power to paſs ſuch Acts as may be for the Good of the Nation: That were it not purely to comply with Cuſtom, I might be ſilent.

Her Majeſty has had under Her Conſideration, the preſent Circumſtances of this Kingdom, and out of Her extream Concern for its Wellfare, has been graciouſly pleaſed to Recommend to you two Expedients, to prevent the Ruine, which does but too plainly threaten us; In the firſt place, your ſettling the Succeſſion in the Proteſtant Line, as what is abſolutely and immediatly neceſſary to ſecure our Peace, to cool thoſe Heats, which have with great Induſtry, and too much Succeſs been fomented among us, and effectually diſappoint the Deſigns of all our Enemies: In the Second, a Treaty with England, which you your ſelves have ſhown ſo great an Inclination for, That it is not to be ſuppoſed it can meet with any Oppoſition.

The ſmall part of the Funds which were appropriated in your laſt Meeting for the Army, are now at an end. I believe every Body is ſatiſfied of how great uſe our Frigots have been to our Trade, and it is fit to acquaint you our Forts are Ruinous, and our Magazines empty; Therefore I do not doubt but your Wiſdom will direct you to provyde ſuitable Supplies.

My Lords and Gentlemen,

I am moſt ſenſible of the Difficulties that attend this Poſt, and the Loſs I am at by my want of Experience in *Affairs*; But I ſhall endeavour to make it up by my *Zeal* and Firmneſs in ſerving Her Majeſty, and the great Regard I ſhall have to whatever may be for the Good of my Country.]

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[THE Speech of James Earl of Seafield, &c. Lord High Chancellor to the Parliament of Scotland, on Tueſday the Third of July 1705.

My Lords and Gentlemen,

HER Majeſty in Her moſt Gracious Letter, and My Lord Commiſsioner His Grace in His Speech, do propoſe theſe things to your Conſideration, which are of the greateſt Importance for the Security of your Religion and Liberties; And Her Majeſty is moſt *Willing* to do all that is in Her Power to promote the Happineſs and Proſperity of all Her Subjects.

For theſe ends, Her Majeſty doth with great Earneſtneſs continue to Recommend to you the Settlement of the Succeſſion to the Crown in the Proteſtant Line, as the ſureſt meaſure for preſerving all that is valuable to you, with regard either to your Sacred or Civil Concerns: So long as this is delayed, the Enemies of Our preſent Eſtabliſhment will continue their bad Deſigns, and be ready to take the firſt Opportunity to diſturb the publick Peace. And when can you enter upon the Deliberation of this matter with greater Advantage than now, in Her Majeſties own Time, and when you have Aſſurances from Her of all Encouragement, and that She is ready to Grant ſuch Limitations and Conditions of Government, with regard to the Succeſſor, as can be reaſonably Propoſed, and will give Her Royal Concurrence in every thing that can make this Settlement Advantageous to this Nation.

Her Majeſty doth alſo in Her Royal Letter, with great Concern ſignify Her deſire to prevent all Differences that may happen betwixt this Kingdom and that of England; and propoſes the only expedient in this matter, the ſetting on Foot a Treaty of Union, and of ſuch other Matters and Concerns as may be for Her Majeſties Honour, and the Good and Advantage of both Kingdoms. It is Unqueſtionably the Intereſt of both Nations, that they were more cloſly United, and that there were an intire Communication of Advantages and Priviledges, and that they both had the ſame Intereſt, which would make this Iſland ſecure at Home, and Formidable Abroad; And you are aſſured of Her Majeſties Royal Concurrence and Aſſiſtance to make this Treaty effectual, to the Mutual Advantage of both Kingdoms.

You will certainly think it Reaſonable to Grant the needful Supplies for Maintaining the Forces, and the Frigots, and for the other Uſes mentioned in Her Majeſties Letter, theſe being ſo neceſſary now in the time of War, for the Support of Her Majeſties Government, and for the Defence of this Nation, againſt the Attempts and Deſigns of Our Enemies.

My Lords and Gentlemen,

My Lord Commiſſioner being fully Inſtructed by Her Majeſty in every thing that Concerns the Good of this Nation, You have the clearest and greateſt Evidence of Her Majeſties moſt Tender Care for the Happineſs of Her People: I am therefore Hopeful You will Improve this moſt deſirable Opportunity for promoting of Piety, for encouraging of Trade, for preſerving of your Peace, and for doing all that may be for the mutual Satisfaction of Her Majeſty and Her Subjects.]

July 6, 1705.

PRAYERS said Rolls called.

WILLIAM Earle of Kilmarnock swore the oath of Alleadgeance ſubſcribed the ſame with the Aſsurance and ſwore the oath of Parliament.

MINUTS of the laſt Sederunt read.

THE objections against Palgouns Commiſsion Appointed to be diſcuſt nixt meeting of Parliament.

THE contraverted Election of the ſhyre of Roſs betuixt Ballnagoun and George Mackenzie of Inſhcoulter called and their procurators being heard upon the objections againſt the preſident of the meeting as a nullity of the Election The Parliament haveing Conſidered the debate It wes put to the vote Suſtain or Repell the objection, And carried Repell, After which Ballnagoun withdrew his Commiſsion, And Inſhcoulter being preferred ſwore the oath of alleadgeance ſubſcribed the ſame with the aſsurance and ſwore the oath of Parliament.

THE Act containing the Orders of the Houſe read, and the ſame ordered to be printed and affixed on the uſuall places according to cuſtome.

ORDERED that the Clerk to the Generall Register of Seaſines, and the Clerk to the Regiſter of Hornings be allowed to be preſent at the meetings of Parliament.

ORDERED that her Majesties ſolicitors be allowed to be preſent at the meetings of Parliament.

PROPOSALL preſented by the Marques of Annandale that the Parliament goe into the consideration of ſuch Limitations and Conditions of Government as ſhall be judged proper for the next ſucceſsor in the Proteſtant lyne, And that at the ſame tyme a Committie of Parliament be named to Conſider the Condition of the Coyne of the Nation, and the ſtate of its Commerce or Trade, as to Export and Import, and to prepare and bring in the moſt proper Remedies and Regulations for that end.

RESOLVE preſented by the Earle Mariſchall that this houſe before all other affairs, will make ſuch Regulations of the Trade and Coyne of this Kingdome as may be moſt for the advantadge of the Nation.

RESOLVE preſented by the Earle of Marr that this houſe will proceed previous to all other buſsineſs to take into their Conſideration the Nations circumſtances as to England and how to enter into a Treatie with them.

AFTER ſome debate theſe two queſtions were put Whither to proceed firſt to Conſider Coyne and Trade or Limitations of Government, And carried to proceed firſt on Coyne & Trade, Nixt the queſtion wes put Proceed by way of Reſolve or Overture & Carried by way of Overture.

THERAFTER the Earle of Marr declared that ſince his motion was given in by way of Reſolve he withdrew the ſame for the tyme.

THEN the Lord Chancellor by order of her Majeſties High Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock in the forenoon.

SEAFIELD Cancellar. I. P. D. P.

July 10, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Contraverted Election of the Stewartrie of Kirkcudbright betwixt Palgowen and Cumlodden called and their procurators being heard upon the objections against the legallity of the meeting After some debait thereupon it was put to the vote Sustain the objections founded upon the want of a due intimation to the Barrons and Freeholders of the Stewartrie or Repell and carried Repell And having proceeded to the other objections the same were repelled without a vote.

ORDERED that parties procurators ſhould inſiſt to Diſcuſs the mutuall objections againſt either parties Electors.

MOVED that they should yet have a Dyet appointed to them, for Diſcuſſing theſe objections and accordingly the tuentie sixt of this inſtant appointed for hearing them and Dilligence of Conſent granted to both parties for Recovering all Wryts which ſhall be neceſsar in Diſcuſsing the said Competition.

PROPOSALL for ſupplying the Nation with money read and ordored to ly upon the table.

DRAUGHT of ane Act Diſchargeing the Importation and Wearing of Musline Caligoe and other forreign Linnen, read and ordered to ly upon the table.

DRAUGHT of ane Act Diſchargeing the Importation of victuall from Ireland read and ordered to ly upon the Table.

DRAUGHT of ane Act Diſchargeing the Importation of foraigne Butter and Cheeſe read and ordered to ly upon the Table.

ORDERED that her Majestys Solliciters cauſe print theſe Overtures for Information of the members of Parliament.

RECOMMENDED to the Commiſsion appoynted for Publick Accounts to whom Doctor Chamberlands propoſall was Remitted laſt Seſsion of Parliament to bring in the ſame nixt Sederunt.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till Thursday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 12, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PROPOSALL by Doctor Hew Chamberland anent a land credit read and ordered to be printed.

THE Draught of the Act diſchargeing the Importation and Wearing of Muſline Caligoe, and other Forreign Linnen again read And after some amendments upon the ſaid Act a first reading ordered to be marked thereon.

THE Draught of the Act diſchargeing all Engliſh Iriſh and Forreign Butter and Cheeſe again read And after some amendments a firſt reading ordered to be marked thereon.

THE draught of the Act diſchargeing the Importation of victuall from England and Ireland again read And after ſome reaſoning thereon Ordered to ly upon the table.

ACT Adjourneing the Summer Seſsion to the firſt of November nixt read and put to the vote Mark a firſt reading or Not and Carried in the negative.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 13, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE draught of ane Act againſt the Importing of Moloſses from forreign pairts into this Kingdome read and ordered to ly upon the table.

THE draught of ane Act diſchargeing the Importation of Engliſh or Iriſh taund leather read and ordered to be printed.

THERAFTER the Parliament proceeded to the Consideration of the Draught of the Act Diſchargeing the importation and wearing of Muſline Caligoe and other forreign Linnen and after some amendments the furder Consideration thereof was delayed till nixt meeting of Parliament.

THE draught of the Act diſchargeing the Importation of English or Iriſh Butter or Cheeſe read the second tyme And after severall amendments it was put to the vote Approve the Act or Not and carried Approve.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 17, 1705.

PRAYERS said Rolls called.

George Monro Commiſsioner elected for the burgh of Irving in place of Mr Alexander Cunninghame deceaſt Swore the oath of alledgeance Subſcrived the same with the aſsurance and Swore the oath of Parliament.

MINUTS of the laſt Sederunt read.

RESOLVE preſented by the Duke of Hamilton that this Parliament will not proceed to the nomination of a succeſsor till we have had a previous Treatie with England in relation to our Commerce and other concerns with that Nation And farder it is Reſolved that this Parliament will proceed to make such Limitations and Conditions of Government for the Rectification of our Conſtitutione as may Secure the Liberty Religione and Independancie of this Kingdome before they proceed to the said nomination and after Reasoning thereupon it was put to the vote Approve the Reſolve or Not and carried Approve.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Fryday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 20, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE draught of a Letter presented by the Marques of Tweeddale in answer to her Majestys Letter to the Parliament read.

DRAUGHT of ane Act for a Treatie with England preſented by the Earle of Mar read.

ANE other draught of ane Act for a Treatie with England preſented by the Marques of Lothian read.

DRAUGHT of ane Act anent the way of choiſeing officers of State Privie Councellours and members of Exchequer and Theſaurie in caice of her Majestys deceaſe without airs of her body to succeed to her preſented by the Earle of Rothes read.

DRAUGHT of ane Act for Advanceing and Eſtabliſhing the Herring fiſhing in and about this Kingdome read.

ANE other Draught of ane Act anent Herring and Whyte fiſhing read.

DRAUGHT of ane Act Diſchargeing the Importation of Brandy and all Forreign Spirits read.

DRAUGHT of ane Act anent the exportation of Wooll and Skins and Woollen yearn read.

ORDERED that theſe Acts be printed for information to the members.

REPORT of the Commiſsione for Publick Accounts in relation to Doctor Chamberlands propoſall read As alſo the Doctors propoſall with the objections againſt the same and anſuers made to the objections all read And after reaſoning thereon the furder conſideration of the propoſall was delayed till the second Sederunt of Parliament nixt week.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 24, 1705.

PRAYERS said Rolls called.

THE Earle of Morton Proteſted againſt the Calling of any Earle in the Rolls of Parliament before him.

HER Majestys Commiſsion to James Duke of Queensberry to be Lord Privie Seall read and Ordered to be recorded who thereafter ſwore the oath of alledgeance ſubscribed the ſame with the aſsureance and ſwore the oath of Parliament.

MINUTS of the laſt Sederunt read.

MOVED that the Parliament proceed to the Conſideration of the Draught of the Letter preſented by the Marquis of Tweeddale in anſuer to her Majestys gracious Letter to the Parliament.

MOVED alſo that they proceed to the Consideration of theſe Acts relateing to trade which are lying before the Parliament

And after Debait it was put to the vote Proceed to the Consideration of the Draught of the Letter preſented or the Draughts of the Acts relateing to trade and carried Proceed to the Consideration of the Acts relateing to trade.

THEN the Parliament did proceed to the Consideration of the Acts for eſtabliſhing and advanceing the Herring fiſhing in and about this Kingdome And after some reasoning upon them A firſt reading ordered to be marked upon the Act preſented by the Proveſt of Edinburgh Reſerving to any member to offer Clauses to be added to the said Act when the ſamen comes to be under Conſideration for a second reading.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 26, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

MOVED that this day being appoynted for diſcuſsing the Contraverted Election of the Stewartrie of Kirkubright betuixt Palgowen and Cumlodden the Parliament would now proceed to the conſideration thereof And the samen being called and parties procurators allowed to be heard It was objected by the procurators for Palgowen that the Protestations taken by Cumlodden againſt Palgoun's electors at the tyme of the Election were not legall in regard theſe Proteſtations bear not that there were Inſtruments taken thereupon in the Terms of the Act of Parliament 1681 made anent Election of Commiſsioners to the Parliament And after Reasoning thereupon It was put to the vote Suſtain the objection made againſt the Proteſtations taken by Cumlodden or Not and carried Suſtain the objection.

THERAFTER Cumlodden withdrew his Commiſsion whereupon Palgown was allowed to have his vote in Parliament.

DRAUGHT of ane Act for appoynting a Council of Trade read and Ordered to be printed.

DRAUGHT of ane Act Diſsolveing Royall mynes from the Croun read and Ordered to be printed.

DRAUGHT of an Act for preſerveing the Game read and Ordered to be printed.

RESOLVED that Doctor Chamberlands propoſall and other Overtures relateing to coyne be firſt under conſideration nixt Sederunt previous to all other buſineſs.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

July 27, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PROPOSALL for ſupplying the Nation with money by a paper Credit read And after reasoning & debate thereon It was agreed that the forceing any paper Credit by ane Act of Parliament was unfit for this Nation.

MOVED that the Parliament proceed to conſider if it be convenient that the Current ſpecies within the Kingdome should be raiſed above what it paſses for at preſent & after ſome debate it was put to the vote Proceed or Delay and carried Proceed.

THEREAFTER it was agreed that the raiſing of the current species above what it passes for at preſent is ane unfit expedient for this Nation.

MOVED that this Parliament might appoint a day for taking to their consideration if it be fit that the value of the Engliſh milned money and Duccatowns and other forreign species should be lowered And the ſame delayed till the Parliament return to conſider the ſtate of the coine of this Kingdome.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a clock.

SEAFIELD Cancellar I. P. D. P.

July 31, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Draught of ane Act and Commiſsion for a Treatie with England read and moved that a firſt reading be marked thereon.

MOTION preſented by the Duke of Hamilton that the Parliament proceed to the neceſſarie Acts for Regulating our trade the Rectification of our present Conſtitution and the Limitations in the terms of the firſt Reſolve And after Reaſoning and Debait upon the Act and Motion it was put to the vote Proceed to Conſider the Act for a Treatie or Proceed to Consider Limitations and carried Limitations.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Thursday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 2, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Parliament proceed to Limitations and in order thereto that the Draught of the Act anent the way of Chooseing the officers of State in case of her Majesties deceaſe without heirs of her body be read and that it have a firſt reading marked thereon.

MOVED that the Parliament proceed to Consider the Acts already preſented which relate to trade And after debate it was agreed that the Act anent the Chooseing of the officers of State be read.

A RESOLVE offered that the Parliament will proceed firſt to the finishing of all such Acts as ſhall be found neceſsary for the right regulation of the trade of this kingdom and next to the finishing the neceſsary Limitations and Rectifying our Constitution and that previous to any Act for a Treatie with England And after debate upon the Reſolve a Proposal was made that it should be Inſert in the Minuts that the Parliament doth agree That in the first four ensueing Sederunts they will proceed to

Consider Acts in relation to Trade As likewise Agree that the next four Sederunts thereafter the Parliament will proceed to Consider Rectifications of our Constitution and Limitations upon the Succefsor and that no extraneous businefs shall Interveen And after Debate it was put to the vote Whether approve the Refolve or Mark the Proposal in the Minuts and carried Mark the Proposal in the Minuts.

THEN the Lord Chancellor by order of her Majesties high Commifsioner Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Cancellar. I. P. D. P.

August 3, 1705.

PRAYERS said Rolls called.

MINUTS of the laft Sederunt read.

THE Overture for ane Act Prohibiting and Difcharging the Importation of all manner of Merchandife and Commodities from England read.

OVERTURE for ane Act anent the Coynage of Copper Overture for ane Act Difchargeing the victualing of Ships outward bound with Irifh or forreign beef read As alfo the Overtures for the Acts following Act Difchargeing the Importation of Tobacco Act Difchargeing the wearing of Silk Stuffs Velvite and Stamped Caligoe Act Difchargeing the Importation of Stearch and Pouder made of Stearch, Act for eafing the Leidges as to the pryces of flefhes in Edinburgh Cannogate and Leith all read and ordered to be printed for information of the Members.

MOVED That the Parliament proceed to Confider the Act for eftablifhing and advanceing Herring fifhing upon which there is a firft Reading already marked Moved alfo that the Parliament proceed to Consider the Draught of the Act appoynting a Councill of Trade And after Debate it was put to the vote Whither the Act for the Fifherie or Act Appoynting a Councill of Trade should be first confidered And carried Act for the Fisherie And accordingly the same was read and proceeded on And after Debate upon the Clauſe Relateing to the Rouseing of Herrings with forreign salt It was put to the vote Allow of the Rouseing of Herrings to be exported with white Salt Yea or Noe and Carried in the negative.

MOVED that the Petition by Mr George Campbell anent the Improvement of Salt be read And agreed that the same be under Confideration before finishing of this Act.

MOVED that a Clauſe be added Prohibiting the Importation of all English Salt and Agreed that the same should be lykewayes considered before the Act be finished.

THEN the Lord Chancellor by order of her Majestys high Commifsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 7, 1705.

PRAYERS faid Rolls called.

MINUTS of the laft Sederunt read.

ORDERED that the Overture for a Triennial Parliament be printed.

THEN the Act for the fisherie furder proceeded on and Agreed that the præmium of coaſt fifhing that fhall be exported be nyne pounds p laft & free of Duty which makes ten pounds four fhilling.

MOVED that there be ane additional præmium for encourageing buſh fifhing and makeing of Red herrings And after Debait it was put to the vote Whither the same should be in this Act or in a separat Act and carried in this Act And then agreed that Eighteen pounds includeing the Duty be the præmium for ilk laft of buſh herring to be exported.

MOVED that the præmium for Red herrings be tuenty four pounds Moved alfo that it be thirty six pounds And after Reasoning it was put to the vote Whither Twenty four or Thirty six pounds and carried Twenty four pounds including the Duty as the præmium of ilk laft of Red herrings to be exported.

THE furder consideration of the Act Delayed till the nixt Sederunt.

THEN the Lord Chancellor by order of her Majestys high Commifsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 8, 1705.

PRAYERS faid Rolls called.

MINUTS of the laft Sederunt read.

PETITION for Captain Walter Lockhart of Kirktone prefented and a Sift of Execution granted to the Petitioner for the tyme contained in the Deliverance upon his Petition.

ORDERED That the Report of the Commifsion for Public Accounts be printed for Information of the Members.

. . . . . .

[REPORT of the Commiſſioners appointed for stating and examining the Publick Accounts.

UNTO His Grace John Duke of Argyle Her Majefty's High Comifsioner And the Honourable Estates of Parliament

The Report of the Commifsion of Parliament Appoynted for stating and examining the publick Accompts.

SINCE by the feventh act of the last fefsion of Parliament it pleafed the honourable Estates of this Kingdom to continue us their Commifsioners for stating and examining the publick accompts and to ratifie the powers given us by the fixth act of the first fefsion of this Parliament, As Lykewife by the minuts of the last fefsion to remitt feverall other things to be enquired into, and reported to your Lordships Therefore that we may be the more enabled to give this honourable houſe a clear and fatisfying accompt of thefe matters, We shall in the first place Acquaint your Grace and Lordfhips how farr we have been able to bring our enquiry as to thefe things recomended to us by the forfaid fixth act of the first fefsion of this Parliament, and left unfinished in our former report.

In the next place we fhall endeavour to satisfy your Grace and Lordfhips as to what was recomended to us by the feventh act of the last fefsion of Parliament, and therafter we fhall fubjoyn to every particular remitt in your last minuts, fuch reports, as the nature of the things, the difficultys and obstructions we mett with, in the Inquiry, would allow.

By the sixth act of the first sesion of this Parliament it was particularly recomended to us to consider the state of the pole money 1693, and to divide the soums that were lying in the hands of the Taxmen and Collectors, among those who had claims upon that fund.

In Pursuance of which We mett upon the 30 of August 1704, and made up a Dividend in the terms of the act 9th Parliament 1693; Bringing all the severall Regiments, Troups and Companys up to an equall foot, Yet by reason of the defect of the Muster Rolls in some regiments, and the want of them in others, we found it impracticable to asign to every particular officer his just proportion, Therfore we divided the forsaid soums amongst the severall Regiments, Troups, and Companys, and ordered the money to be paid to the Collonells, and other officers in Chief, they giveing sufficient security to satisfy by just proportions the claims of every officer then in the army.

But we do with regrate Represent to your Grace and Lordships that though much time has been spent on this subject, yet we have not as yet been able to make the forsaids soums effectuall for satisfying all the regiments, troops, and companys by the scheme of our Dividend, which now lyes before this honourable house, For we found this busines of the Pole, so industriously confused by the evill mannadgement and conduct of the Tacksmen and their partners by their severall pretensions, innumerable debates and mutuall claims of one another about their expences and collections that it hath been impracticable to us, to get all discussed so that the money might be brought in, But as to what soumes hes been payed in to our Receiver, and how, and to whom we have disposed of these, we presume to referr your Lordships to a particular stated accompt herewith produced.

By the same Act it was lykewyse recommended to us to bring in a Report concerning the Thesaury accompts of Cess and Excyse since the year 1689 which accordingly we did last sesion of Parliament bringing our report as to these publick funds down to May 1701 But since that tyme these accompts of Cess and Excyse lyes still uncleared in the hands of the Commissars of the Army and generall Receivers, And we judged ourselves not impowered to call for, or consider any but such as had been stated before the Right Honourable the Lords of Her Majesty's Thesaury.

By the seventh Act of the last sesion of Parliament it was particularly recommended to us to bring in ane accompt of the Bullion Money, as to which we crave leave to represent to your Lordships that we found the accompts therof in extraordinary confusion and that with great difficulty we could obtain any accompts at all, however such as we have seen we presume to lay before your Lordships by way of Charge and Discharge as was done in our former report.

CHARGE of the Bullion from November 1691 to 1st Novemr 1704

	Lib	s.	d.
Collected by Sir John Shaw of Greenock betwixt the 1st November 1691, to 1st November 1696, Instructed by an Æque fitted with the Lords of the Thesaury upon oath	99367	10	-
Item Given up by severall Collectors according to their Books deponed upon from the 1st November 1696, to 1st November 1704	129383	3	2
Item by partiall payments made by severall of the Collectors to Daniell Stewart Receiver of the Bullion to an accompt, their Books not being cleared	22250	6	10
Summa of the charge upon the Collectors of the Bullion	251001	-	-

DISCHARGE

	Lib	s.	d.
Primo By payments made to Sir Patrick Murray Generall Receiver of the Bullion by Sir John Shaw of Greenock	17760	-	-
Secundo By payments made to Mr William Spence lykewise by Sir John Shaw, from 1st November 1691, to November 1696	81607	10	-
Tertio By other payments made to Mr William Spence as per his receipts upon books apairt from Novemr 1696 to 1st Janry 1699	49536	17	7
Quarto By payments made to Daniell Stewart Receiver of the Bullion from 1st January 1699 to November 1704	101287	2	2
Quinto Collected by Sir John Swinton and resting by him anno 1697	743	11	8
Sexto Collected and resting by Sir Robert Anstruther	65	19	-
Summa of the Discharge is	251001	-	-

OBSERVATIONS upon this Accompt.

1mo That Sir Patrick Murray who received the £17760 above mentioned is dead, and we have not as yet come to the knowledge how the same was disposed of But have cited his Representatives to state and clear these Accompts.

2do That Mr William Spence who received the second and third soums of the discharge extending in all to £131144 : 7 : 7 is lykewise dead and his Representatives tho cited have not cleared their Accompts before us.

3tio That Daniell Stewart who received the fourth soum mentioned in the Discharge hes cleared his accompts and hes instructed payments made by him conform to the Thesaury's precepts amounting to the soum of £90405 : 10 : 2.

4to That the said soum of £90405 : 10 : 2 was paid by the Thesaury's orders for the ends and uses to which the Bullion was granted by the 24 act Parliament 1686.

5to That ther is a ballance resting in Daniell Stewarts hands extending to £10881 : 12 : 8.

6o That since the year 1697 there are many Collectors of the Bullion at severall ports of the Kingdom who tho' they have paid in some small pairts of their Collections, yet have not charged themselves with the whole, as to which we presume to referr your Lordships to our committees minuts dated the 10th of July instant.

7o To Conclude all We cannot but take notice that the confusion that hes happened in this fund of bullion money, hes been occasioned by not observing the methods laid down in the 24 act of Parliament 1686 for collecting and preserving the same, as particularly that the bullion money collected shall not be mixed with the other revenues, but put in a chist apairt standing in the mint, having two locks and keys, wherof one to be kept by the Lords of the Thesaury and another by the Generall of the mint.

Having given your Grace and Lordships a short accompt in relation to these things, particularly recommended to us by the above mentioned two acts of Parliament, We shall now endeavour to satisfy you, as to what your Lordships were pleased to remitt to us by your minuts of the last sesion of Parliament,

which we preſume to do by præfixing the minuts in their due order, and ſubjoyning therto our ſeverall Reports.

Minuts the 16 August 1704 Remitted to the Commiſsion of Parliament to Consider whether or not the accompt given in by Sir William Menzies be a true accompt.

REPORT. We have made all the Enquiry into this matter that poſsibly we could, especially by taking the Depositions of Sir William his tackſmen and collectors, as to the extent of their tack dutys and collections, as lykewiſe of the ſoums paid in by them to him, As alſo we examined them conform to Interrogators lying in the Clerks hands, particularly whether or not ther were any double tacks, underhand deallings, promiſes or gratifications made for concealments, and upon the whole matter we make the following obſervations.

1mo That Colin Alison who was Sir William's Sub-collector and Cashier for the Town of Edinburgh and Shyre of Mid Lowthian gives up in the account wheron he hes deponed an article of 28000 Lib Scots or therby of Reſts in the said town and ſhyre, which Sir William did not give up in his accompt given in last ſeſsion of Parliament, and the reason given by him therfore is, that he looked upon the ſaid list of rests as irrecoverable, But we find Sir William added by a docquet to the ſaid accompt the ſoum of 2400 lib received by him before giving in therof to the Parliament, and that ſince that tyme he acknowledges to have receïved the ſoume of £1900 And find that for the Remainder of the ſaid £28000 Scots, he hath decreets against the brewars lyable in payment therof which he produces for his exoneration.

2do That wheras he should have taken care to have ſett ſubtacks during the first year of his mannadgement he on the contrary ſuffered the Excyſe to be in collection becauſe it ſeems he could not bring it up to the extent of his tack dewty with any advantage to himſelf, But it appears plainly to us that more could have been made therof then the collections amounted to.

3tio That notwithstanding of the exact inquiry we made into this matter yet we could not discover any double tacks, underhand deallings, promiſes or gratifications for concealments.

4to That the ſallarys given by him to his Collectors and Surveyors seemed to be a little exhorbitant amounting in ſome shyres to near a fifth part of the whole Collection.

5to That he made ſubtacks during the ſecond year of his mannadgement for leſser ſoums then he received the year before by collections, which we judged to be ill mannagement in respect that the second year of Sir Williams Tack, was by far a year of greater plenty then the firſt, But as to all theſe we preſume to referr your Lordſhips to a more full and particular accompt inserted in the minuts of our Committee dated the 1st day of June To which is ſubjoyned Sir Williams anſwers that this matter may appear more clearly to your Lordſhips when ſtated with all the advantages and diſadvantages that our obſervations and Sir Williams anſwers can ſuggeſt.

We are obliged furder to Repreſent to this honourable houſe that tho' by a vote your Lordships declar'd Sir William Menzies's tack to be a ſtanding tack and ordained him to pay in £5000 Sterling at Mertimeſs and Candlemaſs last by equall proportions, Yet he hath been ſo farr from making any payments conform to your order that he withdrew and went out of the Kingdom near eight months ago In the mean tyme tho' your Lordſhips had not impowered us to do diligence against him, yet upon application made to the Thesaury their Lordſhips ordered his tack to be registrated togither with horning and caption after the ordinary manner.

By the Minuts of the same date, Remitted to the Commiſsion to Call for the Collectors of the hearth money and cauſe them compt for such shyres and paroches as were not given up by them, nor accompted for before the Lords of the Thesaury.

REPORT. We did accordingly cite such of theſe Collectors who are alive and in the Kingdom But most part of them are either dead or bankrupt and others not as yet come in.

The ſhyres and parioches mentioned in your Lordſhips remitt, are thoſe of Dumfreis, Kincardin, Roſs, Cromartie, Elgin, Nairn, and the Stewartries of Orkney and Zetland, A parioch deficient in the shyre of Air, All the lands pertaining to the ſherrif of Murray, The lands pertaining to Grant of Elſhes, The lands pertaining to the Laird of Calder, The parioch of Claich, And the lands pertaining to the Laird of Dunmaglath, All which ſhyres pariochs and lands might poſsibly have ſatisfyed their Collectors, But theſe have only compted to the Thesaury for a part of their collections, as is more fully obſerved in our former report upon the hearth money.

Upon a full Inquiry into this fund of hearth money, we cannot but Repreſent to your Grace and Lordſhips that we have ſeen nothing ſtated in the Thesaury books against the deceaſt Laird of Caſsingray Generall Receiver and Collector therof, and the Earle of Leven his cautioner But what they have ſufficiently exonered themſelves of, having compted according to the nature of Caſsingray's Commiſsion, for all the soums intrometted with by them.

By the Minuts of the same date Remitted to the Commiſsion to Enquyre into the ballance of the hearth money.

REPORT. We find that when the deceast Laird of Caſsingray made up his accompts with the Lords of the Thesaury he had a Ballance in his hand extending to £7368 Scots But ſince that tyme we find that he and the Earle of Leven payed the ſame according to the Thesaury's orders for the ends and uſes to which the hearth money was granted by the Parliament except as to the ſoume of £432 Scots which we have allowed my Lord Leven to retain in his hands, in part payment of his own arrears, ſo that this ballance hath been fully accompted for, and the documents therof are lying before your Grace and Lordſhips.

Minuts the 18th August Remitted to the Commiſsion to enquyre into the undue transactions made anent the accompts due to the Countrey.

REPORT. We knew no way more proper to enquyre into theſe, then to make publick intimations in the gazettes with promiſes of suitable encouragement to the discoverers, But none have ever compeared before us to make any complaint.

By the Minuts of the same date, Remitted to the Commiſsion to Consider the arrears due to the Castles of Edinburgh, Stirling and Dunnottar, To the effect, that what was payed out by the ſeverall officers for subsisting their garriſons might be reimburſed to them.

REPORT. By this remitt we could not think that it was the meaning of the Parliament that theſe officers ſhould have a preference on the pole-money for all their arrears, but rather a right to a proportionable pairt of them with the other officers of the army, For with due ſubmiſsion to what might have been the meaning of the honourable houſe by this remitt we thought that the caice of Collonells and Captains subſisting their Regiments, Troups and Companys, was as favourable as the caice of Governours of Castles ſubsisting their garriſons, And accordingly we made our Dividend of the pole-money allowing to ſuch Governours who made application to us a proportionable share of the pole-money with other officers that had claims upon that Fund.

Minuts the 19 August Remitted to the Commiſsion to Consider the Earle of Crawfords Engagements for the cloathing of his regiment.

REPORT. This the Parliament was pleaſed to remitt either to the Lords of the Thesaury or to us, And accordingly both their Lordships and we have ſtated the Earle of Crawfords accompts, and find his engagements for cloathing of his regiment extend to the ſoume of £2800 Sterling, which by a determination of this honourable houſe last ſeſsion of Parliament, his Lordſhip hes preference for out of the 5000 Lib Sterling ordered to be paid in by Sir William Menzies.

By the Minuts of the same date Remitted to the Commiſsion to Enquyre into Captain Robert Tailzors claim for ſubsisting the Garriſon of Cambusmore.

REPORT. The petition and memoriall given in by the Captain to the Parliament hes not been ſufficiently proven But we find

1mo That ther is reſting to him £ of arrears.

2do That he gott the command of the garriſon of Cambusmore conſiſting of 24 men in June 1690, and continued in that post till the 28th of February 1691, which was three quarters of a year.

3tio That during that space he bought ſome meall for mantaining his garriſon, upon his own expences, But the quantity therof is not inſtructed.

4to That he received 140 bolls of meall out of the Castle of Stirling of which he hes given no ſatisfying account as by the minuts of our Committee dated

Minuts the 23 August The following petitions from the Officers of the Army anent their arrears Remitted to the Commiſsion viz. from Collonell Campbell, Will: Montgomery, Lord Forbes, Major Cunningham of Aikat, Collonell Bruce, Collonell Reid, Elizabeth Maxwell and Jean Drummond for Captain Robert and Thomas Drummonds, Lieutenant John Murray, Lieutenant Alexander Stirling, Lieutenant Collonell Hay, Cornet John Murray, Lady Manderſtoun for her deceaſt Husband, The Dutcheſs of Argyle for the deceaſt Duke of Argyle, Captain James Stevenſon, Sir William Hope of Balcomie, Captain Scipio Hill.

REPORT. We are ſorry it did not ly in our power to take ſuch a regaird to theſe honourable officers claims as their ſervices to their countrey do juſtly deſerve, For there being no funds for their payment We preſume to recommend them to your Grace and Lordſhips that you may conſider their circumſtances and provide for their releif.

Amongst theſe officers we were in a ſpeciall manner obliged to conſider Major Cunningham of Aikats caice, in regard your Lordſhips by your minuts of the ſame date appoynts that all the officers who went to Caledonia ſhould have preference out of the respective funds in which they are concerned, Wherfore ſeeing Major Cunningham ſerved in the Earle of Glencairns Regiment as a Captain, at the Revolution, and had a right to the Pole money 1693 for payment of his arrears, Therefore we have already allowed him £145: 12 Sterling in pairt of what is owing him out of that proportion of the Pole money which we have allotted to the Earle of Glencairn's Regiment, And are of opinion that when all the money comes in, the Major muſt be allowed full payment of his arrears according to the tenor of your Lordſhips remitt in favours of thoſe who went to Caledonia.

By the Minuts of the same date Remitted to the Commiſsion to Conſider Sir Alexander Bruce of Broomhall his petition, craving payment of his depursements for the army.

REPORT. We Find that Sir Alexander Bruce and his partners did enter into a Contract with the Lords of the Thesaury wherin they were not obliged to forrage any troops but ſuch as were upon the Scots Eſtabliſhment, yet notwithſtanding therof they forraged the troup of horſe guards, and my Lord Teviots Regiment of Dragoons both being upon the English Eſtablishment at that tyme, which Sir Alexander pretends he did at the deſyre of the Lords of the Theſaury tho' he hes not inſtructed the ſame by any written order.

We find alſo that wheras your Lordships, in the last ſeſsion of Parliament, were pleaſed to acquieſce in considerable allowances given to other Commiſsarys, as poyndage for extraneous precepts payed out of the ceſs and excyze otherwiſe then for the uſe of the army, yet Sir Alexander got never any allowance for theſe extraneous precepts notwithſtanding (as he pretends) he had no other ſallary or advantage then the poyndage he expected out of the Ceſs and Excyſe.

He lykewiſe claims ſome conſideration upon the accompt of his forraging the troup of guards at that time attending the Parliament which was lykewiſe granted to other Commiſsarys and allowed by your Lordſhips, last ſeſsion of Parliament.

And upon the whole we obſerve that tho' Sir Alexander might poſsibly have been at a considerable loſs by reaſon of his exceeding the terms of his Contract with the Lords of the Thesaury yet it depends upon your Lordſhips to judge whether or not you will favour him with the same allowances that were granted to others.

By the Minuts of the same date Remitted to the Commiſsion to Conſider Sir George Hamiltoun his petition craving payment of bygone ſellarys due to him.

REPORT. We find that Sir George Hamiltone was appoynted Commiſsar and Generall Receiver by a Commiſsion under the Great Seall dated the 5th of January 1691, with a ſellary of 600 pounds Sterling p annum, which Commiſsion bears an expreſs clauſe, that Sir George ſhould continue in the office, till it ſhould be recalled, which did not happen till the beginning of the year 1697 whereby he juſtly claims 5 years ſellarys.

By the Minuts of the same date Remitted to the Commiſsion to Conſider Doctor Chamberland and Maſter Armour's propoſall anent a land credit.

REPORT. Some of us inclyne to think favourably of this propoſall But being a matter entyrely new and of a very great import we will not take it upon us to give our joynt opinion theranent, Only we muſt acquaint your Grace and Lordſhips that we have conſidered it ſo far as to reduce it to a form which we humbly conceive may prove very eaſy to be underſtood, and accordingly ſome days ago at the deſyre of this honourable houſe we gave it in, in order to be printed and considered by the members of Parliament.

We lykewiſe heard the moſt materiall objections made against this propoſall, and allowed the Doctor to make his anſwers, which we alſo reduced to ſome form, and preſented them to the houſe ſubjoyned to the propoſall.

But if the honourable houſe does requyre further information in this matter, we do repreſent in the name of the Doctor and Mr Armour, that they are ready to lay before your Lordſhips an accompt of the whole mannadgement, and to be aſsisting in removing any other difficulties that may occurr.

By the Minuts of the same date, The accompt of the Pole money 1695 Remitted to the Commiſsion as to the three articles not determined by the Parliament viz. The Article of the Embazlements of Collectors extending to £16596 Scots, the Article of the Quadruples of the Army, extending to £17760 Scots, the Article of £6000 Scots as the Pole of the Epiſcopall Clergy.

REPORT. We find by the tacksman John Campbell of Knockriochs oath and by other instructions that theſe Imbazlements cannot be furder extended then to £14812 Scots.

As to the ſecond article we find by conſidering the Eſtabliſhment of the forces for that year that the quadruples of the army could amount to no more then £13456 Scots.

And that the third article viz. the Pole of the Episcopall clergy could not exceed £3000 Scots, the half of what is stated.

Upon the whole matter we do Represent to your Lordships that since by the minuts of the last session of Parliament, you were pleased to allow these articles to the tacksman John Campbell, when instructed before us Therfore it follows that by what we did Represent to your Lordships in our last years report and by what we have now represented, the publick will be debtor to the tacksman in the soum of £4922 Scots.

By the Minuts of the same date The accompt of the pole money 1698 Remitted back to the Commission to be considered in the following particulars viz.

The payments made to the Seamen extending to £9600 Scots to be instructed, and otherways not to be allowed to the tacksman William Cochran of Ferguslee Lykewise the complaints made upon Ferguslee by the seamen remitted to be enquired into.

REPORT. As to the articles remitted to us, we have given all imaginable encouragement to the seamen who gave in these complaints and to whom the said soum of £9600 Scots was payable, Yet no man hath ever insisted againſt Ferguslee since the last session of Parliament.

Minuts the 25 August Remitted to the Commission to enquyre anent what damnages Ferguslee sustained by that article in his memoriall that the books were not returned in due tyme and to consider what abatement he should have therfor and what part of the Ballance he should retain in his hands, and to sist Execution for the said part and report next session of Parliament.

REPORT. By the Act Parliament 1698 all poleable persons in the Kingdom wer obliged to class themselves, and the Commissioners of Supply in shyres and the Magistrats of burghs were to send in their Books containing the names of the poleable persons so classed to the Lords of the Thesaury before the day of years or otherwayes that these who did not class themselves should be lyable in quadruples.

We find that those books were not returned upon the precise day mentioned in the act of Parliament, and severall proclamations of councill, But that some time thereafter many of these books were returned, and some were never returned, Yet he was ordained by the Councill to receive these which were sent in notwithstanding of his reclaiming theragainſt, as a hardship and prejudice done him, whereby he pretended that he was disappointed of the benefit of the quadruples which he had right to by his tack and the forsaid act of Parliament and that the Ballance he is owing of his tack duty extending to £38177: 4 Scots, should be abated to him, but we would not take it upon us to determine wholly in this matter, but in the mean time appointed him to pay in the soume of £7200 Scots, and allowed him to retain the remainder in his hands till your Lordships should determine therin, which £7200 We have disposed of conform to a particular accompt herewith produced.

We must further acquaint your Lordships that in the memoriall presented last year to the Parliament by Ferguslee there were other grounds upon which he pled a totall abatement of the forsaid Ballance of £38177: 4 Scots, but these not being remitted to us, we found our selves noe furder impowered then to consider the above mentioned article, tho' we are of opinion that it deserves your Grace and Lordships consideration.

Minuts the 25 August Remitted to the Commission to Consider Mr Walter Smith the minister of the Castle his petition.

REPORT. We have accordingly Considered the same and find ther is due to the minister 43 months pay extending to £75: 5 Sterling.

By the Minuts of the same date the Petition of Alexander Nisbett Recommended to the Commission.

REPORT. We find that Mr Nisbett's work of Herauldry deserves very much to be encouraged, yet the fund of Tunnage, upon which the Parliament was pleased to grant him a claim is either exhausted or embazled, or is not able to answer his necessity, by reason of some preferences granted to others theron, Wherfore we presume to recommend him to your Grace and Lordships that he may be assisted in his honourable undertaking.

By the Minuts of the same date Remitted to the Commission to Consider the Memoriall given in by Mr Adair and Mr Slezer.

REPORT. Since your Lordships in the last session of Parliament were pleased to grant an act for a new Imposition of Tunnage in favours of Mr Adair, We are hopefull that will enable him to carry on his work, But as for Mr Slezer we Represent to your Lordships that ther is due to him for his arrears, for cloathing money and other engagements for the publick £1090 Sterling, And lykewise that upon the faith of an act of Parliament he hes been at no less charges then £630 Sterling upon his book, Scotia Illustrata, as will appear more particularly by the minuts of our Committee dated the day of Wherfore he depends upon the justice and clemency of the Parliament to assist him as the great straits he is reduced to do requyre.

By the Minuts of the same date Remitted to the Commission to assist Sir Andrew Home in collecting the Tunnage.

REPORT. This according to your Lordships order we have done to the utmost of our power. But that fund being in extraordinary confusion, we despair of ever bringing it to any accompt.

In the mean tyme we must accquaint your Lordships that because John Adair and others who had a right to that fund thought it would tend more to their advantage to be collectors therof, then that Sir Andrew should have a sallary for doing it, Therfore Sir Andrew was satisfied to demitt in their favours, and renounced his Commission before us, by a paper under his hand, Wherfore we gave a Commission to John Adair, to continue to the 20 day of July instant, and allowed him to do diligence againſt those, who had uplifted any part of the Tunnage at the severall ports of this Kingdom, which accordingly he hes done, and is to charge himself with his intromissions.

By the Minuts of the same date remitted to the Commission to Consider their second Observation upon the Admiralty accompts viz. the transaction made with the Lords of the Admiralty by Sir Andrew Myretoun.

REPORT. We find that at the tyme of making that Transaction Sir Andrew was no ways concerned in the publick funds, and being to advance money upon a precept of the Lords of the Thesaury, he cannot be well blamed, but rather those who allowed him a profit of £12000 Scots for advancing £36000 Scots.

By the Minuts of the same date Remitted to the Commission to enquyre how farr Kilmaronnock and his partners were leased by the Tack of the Excyse.

REPORT. We have never been applyed to about this matter so must presume they have lett it fall.

By the Minuts of the same date the accompt of what is resting to the publick of the Cess, Excyse, Hearth-money Pole-money and Tunnage since the year 1698, to the year 1701 read, The first three articles Remitted to the Commission to enquyre if these who were receivers at that tyme received these ballances.

REPORT. We cannot find by any Inquiry that we have made that theſe who were receivers at that tyme had ever got up the rests of ſupply and excyſe mentioned by us in our former Report in theſe three first articles. But we gave warrand to John Drummond and James Dunlop to uplift the ſame, and accordingly they writt to the ſeverall ſhyres and Burghs given up to them as debtors, from most of which they never received any anſwer and ſuch as returned anſwer did Repreſent that thoſe who were Commiſsioners of ſupply or Collectors at the tyme when the debt was due, were either dead, altered, or bankrupt, And that after three years the Shyres were not obliged to produce Diſcharges conform to act of Parliament.

We have been very tender in allowing the said John Drummond & James Dunlop to quarter upon the ſhyres and burghs deficient, that having been remitted principally to the Lords of Thesaury, But we Repreſent to your Grace and Lordſhips, that tho' by law Heritors in ſhyres and burghs, are not obliged to produce Discharges after three years, nor can be quartered on after that tyme; yet the Collectors who received payment from the heritours, are always lyable, and we believe that this is the caice of many shyres and burghs in the Kingdom, Wherfore the honourable Estates of Parliament may be pleaſed to Consider how theſe rests may be made effectuall, ſince according to our last Report these appear to be very considerable.

As for the ſoums intrometted with by them and uplifted ſince the last ſeſsion of Parliament, they are ſtated in an accompt herewith produced, and we have allowed them to retain the ſaid ſoums extending to £1600 or therby in their hands untill ſuch time as a very considerable Ballance owing to them by the government be paid. Many of theſe very ſoums of reſts of Ceſs and Excyſe having been aſsigned to them by the Lords of the Theſaury for their payment; and they Recommended to us by your Lordſhips last minuts of the 23 August.

By the Minuts of the same date the fourth article with the Abbreviat given in for exhauſting the ſame remitted to the Commiſsion.

REPORT. The said fourth article mentioned by us in our former report, is, that Sir Thomas Moncrief had received to accompt of the civill liſt £33128 : 10 As to which we find that the ſame might have been payed to accompt of the civill liſt, yet in Sr Thomas his books ther are payments made to tradesmen for forts and garriſons equivalent to that ſoum and which will compenſe and exhauſt the ſame.

By the Minuts of the same date The fifth article remitted to the Commiſsion viz. a Ballance due by Sir Thomas Kennedy of his Tack Duty of Excyſe extending to Lib 22464 Scots.

REPORT. We Obſerved last year That the ſaid soum had been fisted to Sir Thomas by an act of the Thesaury upon a petition given in by James Crawford of Muntquhany and George McKenzie taxman of the ſhyre of Aberdeen and Angus, untill the determination of two proceſses before the Lords of the Seſsion at their inſtance againſt Sir Thomas, the event wherof was to be, that if they ſhould be aſsoilzied by the Lords of the ſeſsion of their Tack Dutys then the ſame ſhould be allowed by the Lords of the Thesaury to Sir Thomas.

Since that tyme we find that George McKenzie hath obtained a Decreet of Exoneration before the Lords of the ſeſsion for £17000 Scots or therby, but that the proceſs at Muntquhany's inſtance againſt Sir Thomas is ſtill depending.

By the Minuts of the ſame date The Duke of Queensberry and the late Duke of Argyles Bonds to the Theſaury Remitted to the Commiſsion, and to hear their Defences.

REPORT. We have accordingly heard his Grace the Duke of Queensberry, and his Grace the Duke of Argyle, their lawyers on their Defences, as to the ſoums of money borrowed by them from the Thesaury, which containing ſeverall ſpecialities, have straitned us in determining any thing against them, Therfore we preſume to lay their caice before your Lordſhips with an accompt of the most materiall things that were pled for them, That the honourable houſe may with the greater eaſe give their Deciſion in the matter.

The Duke of Queensberry anno 1698 gave bond to the Theſaury for £3512 Sterling made up of ſoums borrowed at two ſeverall tymes, from Sir Alexander Bruce and Sir George Hamilton, Generall Receivers of the ſonds of Ceſs and Excyze payable to the Lords of the Theſaury, or their ſucceſsors in office, at Candlemaſs 1699.

The Dukes Lawyers acknowledged the Debt but craved Compensation in respect that a farr greater ſoum instantly verified and liquidated is owing to him by the government, which Defence of compensation they pled upon the following grounds.

1mo That Compenſation in Law is equivalent to payment, and extinguiſhes the Debt ipso jure, taking place not only againſt private ſubjects, but lykewiſe againſt the Prince, and that both by the civill law, and the municipall laws of this Kingdom, as by act 141 Parliament 12. James 6. And lykewiſe as it was decyded in the caice of the Lord Maxwell againſt the King, as is obſerved by Dury December 19 anno 1632.

2do That the 14th act Parliament 1661 narrates the Excyze to be granted towards the defraying of the neceſsary charges of the Government according to his Majesty's royall pleaſure, That the act 18th Parliament 1681 continues the ſame 5 years after King Charles his deceaſe in ſtatu quo, that the act 2^d Parliament 1685 annexes the excyze to the Crown, and bears expreſsly to be deſigned for supporting the interest therof; that the act 28th Parliament 1695 transferrs the payment of excyſe from the malt, to the liquor, but continues the annexation to the Crown, and the ends and uſes for which the former acts narrated it to have been granted.

3^tio That the Estates of Parliament thought fitt last year to acquieſce in very great allowances that had been given to the Duke of Hamiltoun, the Marquis of Tweedale, and the Earle of Melvill, Commiſsioners to the Parliament, out of the funds of Ceſs and Excyze.

Upon which three grounds the Lawyers craved that compensation might be allowed, ſince her Majesty had the undoubted diſpoſall of the excyſe at her pleaſure ther haveing been never as yet any appropriation therof by a law for the uſe of the army, and that tho' the Duke's bond does not bear expreſsly to be borrowed out of the Excyſe, yet ſince his late Majesty King William could have allowed Compensation to the Duke, by vertue of the power he had to diſpoſe of any soum not exceeding the tack duty of the annexed excyſe, therefore they concluded that her preſent Majesty Queen Ann, and the Estates of Parliament ought in justice to allow the same.

We need not reaſsume to your Lordships the caice of the late Duke of Argyle and the Defences proponed by his Lawyers upon his bond for £800 Sterling, theſe being the same with thoſe proponed for the Duke of Queensberry, Only we must repreſent to your Grace and Lordſhips one ſpecialitie in the Duke of Argyle's bond, which is, his obligement either to pay the said £800 Sterling to the Lords of the Thesaury and their ſucceſsors in the office, or to procure a letter from King William for allowing the ſame to him, which letter we find his Grace procured from her Majesty Queen Ann anno 1703.

By the Minuts of the same date The fractions of Ceſs omitted. Remitted to the Commiſsion the Quota to be kept up and the Collectors made lyable.

REPORT. We find that albeit the monthly ceſs of this Kingdom amounts to £72133 : 8 : 8 Scots, yet the Generall Receivers ſince anno 1695 did charge themſelves only with the nett £72000

Scots, and they having been called, they gave this reason for their not charging themſelves with the odd money, that £32 : 12 : 2 of it was detained by reaſon of a debate betwixt the ſhyres of Perth, Fyfe, and Kinroſs, and that the remainder therof being £100 : 16 : 6 Scots was detained by a mistake in drawing out the abbreviats of the Quotas of the ſhyres of Roſs and Cromartie in the act of Parliament 1695, which makes the Quota of the ſhyres the ſaid £100 : 16 : 6 leſs then their Quotas as sett down in the act of Parliament 1690, and former acts, whereupon by the minuts of the last ſeſsion 15 day of August the Shyres of Roſs and Cromartie were ordained to adjuſt this matter among themſelves, ſo as that the old Quota might be made up. In purſuance of this ordinance We did ordain James Dunlop and John Drummond factors appoynted by us for uplifting the rests of Ceſs and Excyſe, to write to the Commiſsioners of both shyres, that they might adjust the said matter, and pay up the said £100 : 16 : 6 who returned their answer that they had payed their Collectors at the extent of the old quota, and which the Collector when called before them did acknowledge, but at the same tyme alledged he was diſcharged by the Generall Receivers of all the bygone terms ceſs ſince his being Collector, and so neither he nor his cautioners could be lyable, and we having called Mr Rutherford the granter of the forsaid discharges, he did instruct before us that except for the three ſubsequent terms ceſs after the act of Parliament 1695 his discharges run only for the specified Quota mentioned in the abbreviat drawen out for the ſhyre of Roſs in the said act 1695 which is £100 : 16 : 6 leſs as ſaid is then the old Quota, Wherfore we find that the Collectors for theſe shyres having received compleat payment of theſe fractions are lyable for all and that they extend to the ſoum of £7410 : 12 : 9 Scots.

By the Minuts of the same date Remitted to the Commiſsion to enquire into the arrears of the Tack duty of the Lord Belhavens tack of Excyſe in the terms of the deliverance of Parliament theranent, in his favours.

REPORT. Before we acquaint your Lordſhips of the Inquiry we made into this affair we judge it proper to lay before you the forsaid deliverance of Parliament in my Lord Belhavens favours to the end you may ſee how farr it agrees with what we are to report.

By the Parliament 1698 It was ordered that of what was paid by the Lord Belhaven and his partners of their tack-duty to his Majesty, nothing should be given back, that what more ſhould be found to be uplifted from the Countrey then was payed either in bonds or money should be given to his Majesty, and that the tacksmen should be lyable for the ſame, whether it had been uplifted by them, their subtacksmen or collectors, and the tacksmen are declared no further lyable, and that what shall be abated after this manner ſhall be proportioned among the ſubtacksmen at the sight of the Lords of the Thesaury.

That we might ſatisfy the remitt of Parliament in the terms of this deliverance, all imaginable Inquiry has been made, and particularly we called my Lord Belhavens partners, ſubtaxmen, and collectors before us, and examined them upon oath, as to the extent of their tack duty, and collections, and of the payments made by them, either in money, or by bonds, and whether ther were any promiſes made or gratifications given for concealments.

All theſe Depositions with all the other Instructions and Documents relative to this matter, we lay before your Grace and Lordſhips wherin you will find

1mo That the Extent of my Lord Belhaven's tack duty of Excyſe for 18 months amounts to £80800 Sterling.

2do That his Lordſhip hes payed to the Thesaury the ſoum of £58029 : 8 : 10 Sterling.

3tio That by severall acts of the Exchequer his Lordſhip had allowed him £4862 : 13 : 4 Sterling as an abatement upon the accompt of Guards, Garriſons, and manufactories, as is ordinarly given to other Tacksmen of the Excyſe.

Theſe two last ſoums being added together make £62892 : 13 : 4 Sterling so that ther remains £18007 : 17 : 10 Sterling.

If this £18007 : 17 : 10 Sterling had never been uplifted by his Lordſhip, his ſubtaxmen and collectors, nor any part therof from the Countrey, then by the forsaid Deliverance of Parliament in his Lordſhips favours the whole ought to be allowed, But by the Inquiry we have made We find

1mo That the tacksmen have intrometted with the ſoum of £526 : 11 : 10 Sterling not as yet compted for.

2do That Thomas Beaton ſubtaxman for Fyfe hes collected the soum of £159 : 2 : 6 Sterling which he retains in his hands.

3tio That William Bernard ſubtaxman for East Lowthian retains in his hands £140 : 11 : 11 Sterling.

Upon the whole we are of opinion that when theſe three last ſoums are paid up ther will remain £17181 : 11 : 7 which having never been collected or uplifted from the Countrey ought to be allowed to my Lord Belhaven and partners according to the forsaid Deliverance of Parliament, together alſo with a full discharge of their Tack duty But we humbly preſume to referr your Lordſhips to a more full accompt of this affair in our Committees minuts dated

Minuts the 26 August The furder Enquiry into the muster rolls, and into the Complaint given in by John Smith against Thomas Bruce Muster Master, Remitted to the Commiſsion.

REPORT. Having fully Enquired into and considered this matter, we find that ther were certain Rules preſcrived by the Lords of the Thesaury to the muster master anent Respites to be made of thoſe who were marked abſent from the musters, But it ſeems that Thomas Bruce the muster master either did not obſerve them, or that the Lords of the Thesaury were satisfyed to dispence with their own rules and inſtructions, for tho' in the principall muſter rolls, ſubscrived by the magistrates of the places where the musters were made, many are marked abſent; yet all the coppies of theſe principall muster rolls are given up compleat to the Thesaury, and all the Respites not made, according to their Lordſhips inſtructions.

Upon the whole we obſerve that the complaint given in by John Smith ſeems not to be calumnious he having thought that theſe abuſes committed by Thomas Bruce were contrary to law, wheras they were only contrary to the Theſaury's inſtructions given anent muſtering the forces, which as we have obſerved, their Lordſhips, it ſeems, did dispence with, in regaird our laws and especially the 4th act Parliament 1693 are defective in this matter.

And Lykewiſe we cannot but take notice that the ſaid John Smith has been at much pains and charges in attending us to make good his Complaint which if your Lordſhips think fitt deſerves some conſideration.

May It Pleaſe Your Grace and Lordships

By theſe Reports concerning the matters recommended to us we have endeavoured to give this honourable houſe a ſhort view how we have been imployed since the last Seſsion of Parliament.

We are very sensible that tho' all we have done and ſaid upon theſe things cannot amount to ſuch an accompt as can give your Grace and Lordſhips full ſatisfaction yet we aſsure you that nothing hath been wanting on our pairt to bring things to a much bettor period, wherin if we have not been ſo ſucceſsfull as we wiſhed, yet we earnestly beg your Grace and Lordſhips may believe we have done all that lay in our power.

STAIR P.]

. . . . . .

PETITION for Frances Countes of Seaforth moved and the Earle of Cromartie and others concerned in the ſaid petition ordained to ſee and anſwer the same.

THEN the Parliament proceeded to the Act for the Fiſherie And after some debait amendments and the addition of some clauſes to the Act It was put to the vote Approve the Act or Not and carried Approve.

PETITION by Mr George Campbell for Improveing the Salt of this Kingdom read and Ordered that the same come firſt in the nixt Sederunt of Parliament.

THE Act appoynting a Council of Trade read and Ordered that a firſt reading be marked thereon.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 9, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

PETITION by Lieutenant Collonel Patrick Ogilvie for guarding the Weſt coaſt to prevent the import of Iriſh victuall &c. read and the same Ordered to be printed.

ANE other Propoſal to prevent the Import of Iriſh victual alſo read and Ordered to be printed.

PETITION by Mr George Campbell for Improveing the Salt of this Kingdom read and conſidered & the Deſyre therof granted.

THEN the Parliament proceeded to conſider the Act for appoynting a Council of Trade & after Debait upon the Clauſe wherby it is provyded that the Commiſsioners ſhould be named by Queen & Parliament it was put to the vote Approve or Alter the Clauſe & carried Approve the Clauſe And after some other amendments made upon the Act Agreed that the same be under furder Consideration nixt Sederunt of Parliament previous to all other buſineſs.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 10, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE Laird of Brodie excuſed by her Majestys Commiſsioner for his abſence this Seſsion of Parliament in regard of his Indisposition.

MOVED that Mr James Anderson Wryter to her Majestys Signet haveing wryte a book Intituled "Ane Historicall Eſsay shewing that the Croun & Kingdom of Scotland is imperiall & independent therby clearing the Independency of this Nation" he should have a Reward for that good ſervice and agreed that he shall have for Reward the sum of four thousand eight hundred pounds As alſo that the thanks of the Parliament be given him by the Lord Chancellor in preſence of her Majestys high Commiſsioner & the Eſtates Which was accordingly done.

MOVED that Mr James Hodges who hath in his wryteings ſerved the intereſt of this Natione get lykewayes a Reward for the ſame & agreed that he ſhall have the lyke sum of four thouſand eight hundred pounds.

MOVED that the book intituled "The Superiority and Direct Dominion of the Imperial Croun of England over the Croun & Kingdom of Scotland" being scurrelous & full of falshoods as alſo the Pamphlet intituled "The Scots Patriot unmaſked" reflecting upon the honor & independancy of this Nation both wryte by William Atwood be brunt by the hand of the hangman & accordingly the same was ordered to be done by the Magiſtrats of Edinburgh Wedensday nixt being the fyfteenth instant betwixt the hours of eleven & twelve & that a warrand be given to them for that effect.

THEN the Parliament proceeded to Conſider the Act for appoynting a Council of Trade & after several amendments it was put to the vote Approve the act or Not & carried Approve.

MOVED that it be Determined if the Election of theſe members who are to make up the Commiſsion for Trade ſhall be in plain houſe or by the Eſtates ſeperat & Agreed that it be by the Eſtates seperat Alſo agreed that the ſaid Commiſsion conſiſt of ſeven of each Eſtate being in haill tuenty one & agreed that seven of them be a quorum.

MOVED that the Members of Parliament who are Taxmen & Collectors of her Majestys Cuſtomes & Excyſe be ſecluded from being choiſen as Members of the ſaid Commiſsione & after Debait it was put to the vote Seclude or Not & carried Seclude.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 14, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the Estates did seperat to Choyſe their Commiſsioners who returned the persons following For the Nobility the Marqueſs of Lothian the Earle of Marr the Earle of Buchan the Earle of Leven the Earle of Hyndfoord the Earle of Stair the Earle of Hopetoun For the Barrons Sir Robert Dickson the Laird of Carnwath Sir John Swyntoun the Laird of Jerviswood the Laird of Kilmaronock Sir Thomas Burnet of Leys James Moir of Stonywood For the Royall Burrows Sir Patrick Johnstoun Hugh Montgomerie Sir James Smallot Sir Alexander Ogilvie Mr John Clark Mr Dougall Stewart Sir Hugh Dalrymple.

ORDERED that theſe Liſts be inſert in the Act.

THE Lord Balmerino gave in the Proteſt following That the nomination of this Commiſsion or Council of Trade by the Estates severallie being a late practise and founded upon no law shall not be drawn in conſequence in prejudice of the right and priviledge of Parliament to name by the whole houſe Whereupon he took Inſtruments To which Proteſt the Earles of Erroll and Marishall adhered.

MOVED that any member of Parliament may have the priviledge to be preſent at the meetings of the Council of Trade and the same agreed to.

THEN the Lord Chancellour by order of Her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 15, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE Lord Lundors excuſed for his abſence in regard of his Indisposition.

THE Overture for ane Act anent the way of choiſeing officers of State et cet' in caice of her Majesties deceaſe without airs of her body read.

OVERTURE for Limitations on the Succeſsors of her Majesty deceaſeing without airs of her body who ſhall be lykewayes Kings of England read.

OVERTURE for ane Act for a Triennial Parliament read.

MOVED that there be a firſt reading marked upon the act anent the way of choiſeing officers of State after the death of her Majestie Moved that there be a firſt reading marked upon the Act for a Triennial Parliament Alſo moved that the furder conſideration of theſe acts be delayed After Debait it was put to the vote Proceed or Delay and carried Proceed.

AGREED that a firſt reading be marked upon the Act anent the way of choiſeing officers of State Alſo agreed that a firſt reading be marked upon the Act for a Triennial Parliament.

MOVED that the Parliament nixt Sederunt proceed to conſider the Act anent the way of choiſeing Officers of State which was preſented before the act for a Triennial Parliament Alſo moved that they proceed firſt to the act for a Triennial Parliament & after debate it was put to the vote Which of theſe acts the Parliament ſhould firſt proceed on & carried Proceed to the Act anent the way of choiſeing Officers of State nixt Sederunt previous to all other buſineſs.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 16, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the Parliament proceeded to consider the Act anent the way of choiſeing Officers of State &c. in caice of her Majesties deceaſe without airs of her body And after Debait upon the Clauſe for nominating the ſaids officers it was put to the vote If the nomination of the Officers of State &c. ſhall be by the King in Parliament with the advyce conſent and approbation of the Eſtates or if the nomination ſhall be by the Eſtates of Parliament and carried That the nomination ſhall be by the Eſtates of Parliament.

MOVED that the nomination upon the death of any of the Lords of Seſsion or Juſticiary be in the same manner as the Officers of State and added to this act Moved alſo that the same be conſidered by a ſeperat act And after reaſoning Agreed that the Lords of Seſsion and Juſticiary be nominat in the ſame manner as the Officers of State and that the Commiſsiones to be granted to them upon any vacancie ſhall be dureing lyfe.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 21, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THEN the Parliament proceeded to the furder conſideration of the Act anent the way of choiſeing Officers of State &c. in caice of her Majestys deceaſe without airs of her body.

MOVED that a Clauſe be added that in the event forsaid there be three Preſidents of the Seſsion choiſen and nominated by the Parliament to proceed by turns for the space of two moneths only And after reasoning it was put to the vote Add the Clauſe to the Act or No and Carried in the negative Then the Act being read it was put to the vote Approve the Act or Noe and carried Approve.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 22, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for John Earle of Crawfoord againſt Sir William Menzies late Tacksman of the Excise and his Cautioners read and they ordered to see and anſwer the same against the second Sederunt next week with Certification.

PETITION for John Duke of Athole against the said Sir William Menzies read and he ordered to see and answer against the said dyet with Certification.

PETITON for Frances Countes Dowager of Seafort against the Earl of Cromartie and others again read and they ordained to see and answer against the second Sederunt next week with Certification.

ORDERED that the second Sederunt next week be for privat buſineſs.

THEN the Parliament did proceed to Conſider the Act for a Triennial Parliament And after some reasoning Whether this act shall take effect during the Queens reign or upon the Succeſsor only being put to the vote Carried that it should take effect during the Queens reign.

MOVED That this Parliament Continue only for one year after this date Also moved that it may Continue for three years And upon Debate It was put to the vote Ane or Three years and it Carried that this Parliament may Continue Three years after this date.

MOVED That seeing by the Act Farmers Manadgers and Collectors of her Majesties Cuſtoms and Excyſe and Surveyers are

Declared uncapable to be members of Parliament That the Generall Receiver be likewise added And after Debate It was put to the vote Add the Generall Receiver to the Act or Not and Carried in the negative Then the whole act being read It was put to the vote Approve the Act or Not And carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Friday next at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 24, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for Patrick Lord Kinnaird Craving a sist of personall Execution against him and of real Diligence against his Estate for some time read and the same Ordered to be under Consideration the firſt day for private buſineſs.

ACT for a supply to be granted to her Majestie for mantainance of the standing forces forts garrisons and friggots presented by the Earle of Glasgow Lord Thesaurer Depute read and Craved the same might have a firſt reading.

MOVED that there being ane Addreſs last Seſsion of Parliament for Transmitting the papers relateing to the late Plot The Parliament may be satisfied what answer is given to the said Addreſs Upon which motion her Majesties Commiſsioner Declared he had received a Letter from her Majesty relating thereto And that he would signifie her Majesties pleasure therein to the Parliament the third Sederunt next week Whereupon the said Sederunt was appointed for Inquireing into that plot.

MOVED that the Act of Supply shall have now a first reading but before a second reading be given to it That the Parliament will come to a Concluſion in the affair of the Treatie and such branches of Trade as shall be neceſsary to Consider in relation to the Clauſes in the English Act.

ALSO moved That there be ane addition to the former motion in thir terms that the Parliament will likewayes paſs such acts as shall Regulate the ballance of Trade to the advantage of the Nation before a second reading And after some Reasoning It was put to the vote Add or Not and Carried in the negative.

THEN a first reading marked on the Act for a Supply.

ORDERED that the Charge and Diſcharge of Funds from August 1704 to July 1705 be printed.

AGREED that the Parliament nixt Sederunt proceed to the Consideration of the Act for a Treatie with England previous to all other buſineſs.

THEN the Lord Chancellour by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 25, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE Act and Commiſsione for a Treatie with the Kingdom of England read And after long debait theron The farder Consideratione therof Delayed till the nixt Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

August 28, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE Draught of ane Addreſs to her Majestie why the Parliament cannot proceed to an act for a Treatie with England offered by the Laird of Saltone in thir termes Wee your Majestys moſt loyall and faithfull Subjects the Noblemen Barrons and Burgeſses conveined in Parliament humbly Repreſent to your Majesty that the Act lately paſt in the Parliament of England containing a proposal for a Treatie of Union of the two Kingdomes is made in such injurious terms to the Honor & Intereſt of this Nation that Wee who repreſent this Kingdom in Parliament can no wayes comply with it which we have the greater regrait to Refuiſe becauſe a Treatie of Union has in this Seſsion been recommended to us by your Majestie But out of the great sence of the duty we owe your Majestie we doe declair that we shall be alwayes ready to comply with any such propoſal from the Parliament of England whenever it ſhall be made in such terms as are nowayes dishonourable or disadvantageous to this Nation & after a long debait theron the Parliament did proceed to the Act for a Treatie with England & being read it was put to the vote Mark a firſt reading on the Act or Not and carried to Mark a firſt reading on the Act.

THEN agreed that this Act ſhall not be finished & approven the nixt Sederunt that the Parliament ſhall proceed upon the consideration thereof but prejudice to the voteing the clauſes of the Act that ſhall be then adjusted.

A CLAUSE offered by the Duke of Atholl to be added to the ſaid Act read & the same ordered to ly upon the table to be considered when the Parliament proceeds to consider that Act.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 29, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for John Earle of Crawfoord againſt Sir William Menzies craveing the same execution againſt Sir Williams Cautioners as againſt the ſaid Sir William read Answers to the ſaid Petition alſo read and the Parliament haveing considered the

petition with the anſwers & the report of the Commiſsion for Publick Accounts relateing to the ſaid petition Recommended to the Lords of Theſaury to aſsign to the Petitioner the ſaid Sir William Menzies his Tack & all execution that may be competent theron.

PETITION for Alexander Campbell of Phinab Craveing that he may not be prejudged of the 2400 Lib. allowed him laſt Seſsion of Parliament by any preference granted this Seſsion & that he may have the same execution againſt the ſaid Sir William & his Cautioners as is Craved in the former Petition & the ſame lykewayes Remitted to the Lords of Theſaurie to aſsign to the petitioner Sir William Menzies tack with all action that may be competent theron for the ſaid 2400 Lib.·

PETITION for the Duke of Atholl againſt the ſaid Sir William Menzies read Craveing to be releived of several contracts for cloathing to his late Regiment wherein his Grace ſtands ingadged & that the sums due by Sir William may be affected therewith & the Parliament haveing conſidered the ſaid petition the Deſyre therof granted after Alexander Campbell of Phinab & the Lord Crawfoord their payments.

PETITION for the Marques of Lothian read craveing relief from the Parliament of the cloathing money of his late independent troop & regiment of Dragouns now commanded by him, & that Sir William Menzies fond may be affected therewith & the Parliament haveing conſidered the same the deſyre of the petition granted in so far as the ſaid fond ſhall not be exhauſted by the former preferences & recommended to the Lords of Theſaury to aſſign the ſaid tack & all execution that may be competent theron for the ends contained in the ſaid petition.

MOVED that the ſaids preferences doe not prejudge David Callender of the 600 Lib. allowed him the laſt Seſsion of Parliament for his attendance upon the Commiſsion for publick accounts & the ſame agreed to.

MOVED that Sir William Menzies his partners and their Cautioners be Diſcharged of their tack of excife and aſsoilȝied upon payment of the 60000 Lib. wherein he was decerned laſt Seſsion of Parliament at the terms of Martinmeſs 1705 & Candlemeſs 1706 by equall portiones under the penalty of 12000 Lib. for each terms faillȝie & after Debait it was put to the vote Aſſoilȝie in the terms forſaid or Not & carried Aſsoilȝie.

MOVED that he & his Cautioners aſſign what is unuplifted of the 28000 Lib. of outſtanding debts reſting to him by Brewers & others arriſeing from the ſubject of the ſaid excyſe & after Debait it was put to the vote Aſſigne or No & Carried in the negative & it being then moved that seeing they were not to aſſign the brewers & others may be Diſcharged & being put to the vote Diſcharge or No it carried No.

MOVED that Sir William Menzies proces againſt partners & their repreſentatives may be Remitted to the Lords of Seſsion to be Determined by them summarly without abyding the courſe of the Roll & the same agreed to.

MOVED that the Parliament take to Consideration the report of the Commiſsion for Publict Accounts in relation to the Lord Balheavens tack of excyſe Ordered that the ſame be under Conſideration the next Sederunt to be appoynted for privat buſineſs.

MOVED that for expediteing of buſineſs the Lord Chancellor appoynt Petitions to be read conform to their order in the Roll of privat buſineſs & the ſame agreed to.

PETITION for Walter Lockhart of Kirkton moved & a farder Siſt of all execution againſt him for the Sums contained in his petition granted.

PETITION for the Countes of Seaforth againſt the Earle of Cromarty & Kenneth McKenzie again read & after Debait the same remitted to the Lords of Seſsion to be diſcuſt by them summarly without abyding the courſe of the Roll.

ORDERED that the third Sederunt nixt week be for privat buſineſs.

OVERTURE for ane Act in favours of a Maiden Hoſpital read & a firſt reading marked theron.

PETITION for Patrick Lord Kinnaird again read & the same Delayed till the nixt Sederunt for privat buſineſs that the Creditors may see & anſwer the ſaid petition.

. . . . . .

[TO His Grace Her Majeſties High Commiſſioner, and the Right Honourable the Eſtates of Parliament,

The Petition of Patrick Lord Kinnaird,

Humbly Sheweth,

THAT where it pleaſed my Grand Father George Lord Kinnaird, after ſeveral acquiſitions that he had made, to Reſign his Eſtate in favours of himſelf, in Liferent, and Patrick then Maſter of Kinnaird and the Heirs Male of his Body in Fie, which failzing, in favours of the reſt of his Sons and the Heirs Male reſpective of their Bodys, in the order he thought fit to appoint, which Failzing &c. And in the ſame Reſignation with the Charter & Seaſin following thereon, he reſerved to himſelf & his ſaid Heirs of Tailzie certain powers for clearing and Paying of ſuch Debts as either he had Contracted or ſhould Contract, but withall, with this expreſs Proviſion that it ſhould not be Lawfull to the ſaid Patrick, nor his foreſaids, nor the reſt of his Sons and Heirs of Tailzie, to innovat or infringe, nor to Sell or dilapidate, nor to Contract Debts, nor to do any other deed whereby the Lands and Eſtate that are reſigned, might be evicted or affected in defraud of the next Heirs of Tailzie, and which whole Debts and Deeds are not only declared to be void in ſo far as they may Burthen or affect the ſaid Eſtate, but likeways it is provided that the Heirs Male and of Tailzie who ſhould Contraveen, ſhould Forfeit and tyne their Right of Succeſſion, and that their ſaid Right ſhould expire, and that it ſhould be Lawful to the next immediat Heir of Tailzie, either to ſerve Heir to him who died laſt veſt and Seaſed, or to Purſue Declarator and Adjudications or otherwiſe, whereby the Right of the Eſtate may be eſtabliſhed in his Perſon, as the foreſaid Charter and Infeftment of Tailzie duly Regiſtrat and perfected, conform to the Act of Parliament, at more length bears.

And upon this Infeftment and Settlement thus perfected, the ſaid Patrick Lord Kinaird my Father, upon whom the Fie of the Eſtate was Eſtabliſhed as above, did enter to Poſſeſs and enjoy the ſame after his Fathers Deceaſe, and with a full deſign alſo to have obſerved all the Conditions, Limitations and Reſtrictions to which his Right of Fie was Subjected, by the foreſaid Tailzie, But the ſaid Tailzie containing an Exception of the Makers own Debts, & allowing both the ſaid Patrick and his foreſaids Heirs of Tailzie, to Sell Anallie or Woodſet or Contract new Debts for Payment thereof; the ſaid Patrick Lord Kinaird my Father, did accordingly Contract new Debts for clearing of the old, but with the unlucky Omiſſion as not to provide or have it declared that theſe new Debts came in place of the old, and ſo might ſtill be held to be excepted and priviledged as the old were, and the Lands and Eſtate tailzied, subject and lyable thereto, as being ſurrogat in place of the former, as ſaid is.

In this condition the ſaid Patrick Lord Kinaird my father comes to dye, leaving me a Minor, and I being altogether ignorant of what Debts my Father had Contracted, or in what manner he had managed the Tailzied Eſtate, as to the clearing of the old excepted Debts, or in Contracting of new Debts for their Pay-

ment and Satisfaction: All that I could do was to obtain my ſelf Served Heir of Tailzie to my Father, conform to the ſaid Infeftment of Tailzie and with a full Repetition of all the Reſtrictions and Irritancies therein contained, in manner preſcribed by the Act of Parliament; whereby I judged that I had ſufficiently ſecured my ſelf againſt all Debts that might have been Contracted by my ſaid Father, contrary to the ſaid Tailzie, ſince the ſaid Repetition of the Reſtrictions contained in the Tailzie might very well Paſs for a Proteſtation againſt them in General: Seeing at that time I neither had nor could have any particular knowledge of them.

It is alſo here to be ſpecially obſerved, that my ſaid Father having been the first Fiar of the Tailzied Eſtate, and I his firſt Heir of Tailzie, there was no remedy for me to have Succeeded conform to the Tailzie, ſave by a Service to my Father only, in as much as I could neither declare him to have Forefited his Right which was wholly unknown to me; nor tho I could have done it, could I Serve Heir to my ſaid Grand Father, who by the Tailzie was only a Liferenter; nor oblidge the Repreſentatives of my Father who were none ſave my ſelf to Denude by Adjudication, ſo that it is evident that tho' my Father had been a willfull Contraveener, as he was not, and that I comeing to Succeed to him had been never ſo much perſwaded of his Contraventions, & of his having thereby forfeited his Right, yet I could have no otherways ſucceeded in the Tailzied Eſtate according to the true intention of the Tailzie, except by Serving Heir to my Father, even tho the Contraveener, as ſaid is.

By all which it is evident, 1mo. That I was ſerved Lawfully Heir to my Father, tho' the Contraveener. 2do. That by Serving with a Repetition in my Service of the Reſtrictions in the Tailzie & being Minor for the time, I did that which I probably thought might free me of his Contraventions. And (3tio) Tho' I omitted to proteſt more particularly againſt his unlawfull debts, yet I am ſtill intra annos utiles, and have revoked and raiſed a Reduction to free me of that Leſion (4to) That I have done nothing ſince I became Major to exclude me from this benefit of reſtitution, ſave the corroborating ſome of theſe debts unduly contracted by my father: but as to this point I am able to make it appear, that any Corroborations I have granted, have been of debts that were contracted for ſatisfieing the old debts excepted from the tailzie; ſo that in effect theſe my new corroborat debts are ſurrogat in place of the old, and the tailzied Eſtate is ſtill affectable therewith, which is all that I crave. And have likewiſe Declarators before the Lords to this purpoſe.

But this being the true ſtate of my preſent condition, It is farther evident that the foreſaid Actions which I am neceſsitat to raiſe, partly for reſtitution againſt my fathers Contraventions, and my ſervice as Heir to him, & partly to have ſuch debts as I have Corroborated, declared to be ſurrogat in place of the old debts excepted from the tailzie, Muſt needs alarm all my Creditors, and move them to uſe ſuch Diligences as can only multiply trouble and expence to themſelves, and involve all into inextricable confuſions. I muſt therefore with all Submiſſion lay this my extraordinary Caſe before this High and Honourable Court of Parliament, for ſuch a remedy as it evidently deſerves, and the High Court of Parliament can only affoord.

May it therefore pleaſe your Grace, and the right Honourable the Eſtates of Parliament, in conſideration of the premiſſes, firſt to grant me a ſuperſedere of perſonal Execution, and alſo of any other Execution againſt my eſtate perſonal or real for ſuch a time and ſpace as ſhall be thought neceſſary for extricating me out of my ſaid Difficulties, I in the interim paying to my Creditors their Annualrents, without prejudice of my juſt defences (2do.) That in caſe I be put to ſuſpenſion and looſing of arreiſtments and the like, that may require Caution, I may be diſpenſed with the finding the ſame, ſince I am ſtill moſt willing that all my eſtate be forthcoming for the Payment of my Lawfull Debts, and that it is viſible, that in reſpect of the Reſtrictions and Irritancies contained in the ſaid tailie I cannot diminiſh my Eſtate, nor prejudge my lawfull Creditors thereanent. And (3tio) That in reſpect the proving and making out the foreſaid new debts to have been contracted and ſurrogat in the place of the old debts excepted in the tailie, there may be difficulties, by reaſon of the lapſe of time and other things that may have occurred, It may pleaſe your Grace and the Honourable Eſtates, to remitt and recommend this Caſe to the Lords of Seſſion, with a Parliamentary power. As alſo that upon the whole matter, It may pleaſe your Grace and lordſhips to conſider and recommend the Caſe for extricating me out of the difficulties wherein I am innocently involved, to that favour and equity that ſuch an extraordinary Caſe doth evidently deſerve.

Edr 24 Auguſt 1705.

Her Majeſties high Commiſsioner and the eſtates of Parliament having conſidered this petition They declare they will take the ſame to their Conſidera"n the firſt day for privat buſsineſs.

SEAFIELD Cancellar. I. P. D. P.

Edr 29 Auguſt 1705.

Her Majeſties high Commiſsioner & the eſtates of Parliament Continow the conſidera"n of this petition till the nixt ſederunt of Parlt for privat buſsineſs & in the mean time allow all pties prõrs concerned to ſee & anſr p"to agt the ſd day at qch tyme they will take the ſame to their conſidera"n.

SEAFIELD Cancellar. I. P. D. P.]

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MOVED that the proces at Sir Walter Seatons inſtance againſt Robert Malloch & others be now under Conſideration & agreed that the ſame be conſidered the nixt Sederunt for privat buſsineſs.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a clouk.

SEAFIELD Cancellar. I. P. D. P.

August 30, 1705.

PRAYERS ſaid Rolls called.

MINUTES of the laſt Sederunt read.

HER Majesties Commiſsioner acquainted the Parliament with her Majesties answer to the addreſs and ſignified that he had receaved ſome papers which had been before the houſe of Lords which were now in the hands of the Earle of Loudoun Lord Secretarie and that he expected the reſt And the ſaids papers given in by the Lord Secretarie to the Lord Clerk Regiſter.

MOVED that the Addreſs to her Majeſtie laſt Seſsion of Parliament may be read and the ſame accordingly done.

MOVED that the Schedull or Inventar of the papers produced be read And the ſame accordingly read.

MOVED that ſuch papers as are now transmitted being in bundles may be opened that it may be known whither the ſame be Originalls or only Copies and the bundles being opened ſome of them were read.

ORDERED that Colin Campbell of Glenderule Neill M'Leod one of the Captains of her Majesties foot Guards and George M'Kenzie ſon to George M'Kenzie in Stonehaven be Cited to Compear before the Parliament againſt the third Sederunt nixt

week in order to their examination and that warrand be granted for that effect which was accordingly done.

ORDERED that the Clerks of Council transmit what papers are in their hands relateing to that matter againſt the ſaid day.

THEN the Lord Chancellour by order of her Majeſties high Commiſsioner Adjourned the Parliament till the morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

Auguſt 31, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read:

MOVED that the Addreſs to her Majeſty laſt Seſsion of Parliament in relation to what was called in England the Scottish conſpiracie may be printed and the same agreed to.

OVERTURE for ane Act and Commiſsion for plantation of Kirks and valuation of teinds preſented and ordered to be printed.

OVERTURE for ane Act and Commiſsion for viſiting Schools and Colleges ordered to be printed.

OVERTURE for ane Act Diſchargeing the Peers and others goeing to England without leave of the Privie Councill read and ordered to be printed.

OVERTURE for ane Act in favours of the patrons and heritors of the Shyre of Argile ordered to be printed.

PETITION for the Earle of Sutherland read craveing he may be brought in pari paſsu with the Duke of Atholl and Marques of Lothian and others to affect Sir William Menzies fund for payment and satisfaction of his arrears And after some Debait the petitioner acquieſced to the preferences granted to the fornamed perſons on that fund but craved that he may be preferred to some other publick fund.

MOVED that a Day be appoynted for takeing the Report of the Commiſsion for Publick Accounts which were Remitted to the ſaid Commiſsion and the third Sederunt nixt week appoynted for Receiveing the ſaid Report at which tyme the Earle of Sutherlands petition to be under Consideration and all perſons haveing pretences to the public funds be then heard.

THEN the Parliament proceeded to the Consideration of the Act for a Treatie with England And after some amendments made upon the Clauſe containing the powers to be given to the Commiſsioners the same was approven.

MOVED that there be ane addition to the ſaid Clauſe in thir terms " that the Union to be treated on ſhall not Derogat any ways from any fundamental laws antient priviledges offices rights dignityes and libertyes of this Kingdom" & after Debait it was put to the vote Add the Clauſe or No and Carried in the negative.

THE farder Consideration of the Act Delayed till next Sederunt.

THEN the Lord Chancellor by order of her Majeſties high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 1, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THEN the Parliament proceeded upon a draught of the Act for a Treaty with the Kingdom of England And the act read Also the Clauſe preſented by the Duke of Atholl relative thereto read, and moved that the same be added to the act.

MOVED that the firſt part of the ſaid Clauſe Rescinding that part of the English Act Declareing the Subjects of Scotland to be aliens after the 25th of December 1705 be firſt under the Parliaments Consideration which was agreed to.

THEREAFTER moved that the Act for a Treaty be plain and simple without qualities And that the Sentiment of the Nation concerning the Clauſe in the English Act Declareing the Subjects of Scotland to be aliens be Considered in a separat way than by this Act of Treaty.

AFTER reasoning It was agreed to by the Estates of Parliament That the Clauſe in the English Act declareing the Scots aliens be Rescinded before the Treaty of Union commence.

THEREAFTER the Clauſe given in be the Duke of Atholl read being in theſe terms " Provydeing alwayes That the ſaids Commiſsioners ſhall not goe furth of this Kingdom to Enter into any Treaty with theſe to be appointed for England untill there ſhall be ane Act paſt be the Parliament of England Rescinding that Clauſe in the English Act by which it is enacted that the Subjects of Scotland ſhall be Adjudged and taken as aliens after the 25th of December 1705" And a vote was thereupon stated Add the Clauſe to this act or doe it by a separat way.

BEFORE voteing The Duke of Atholl gave in a Protestation in theſe terms " In regard that by ane Engliſh Act of Parliament made in the laſt Seſsion thereof Intituled Act for the effectual Secureing the Kingdom of England from the apparent Dangers that may aryſe from ſeveral Acts lately paſt in the Parliament of Scotland The Subjects of this Kingdom are to be adjudged aliens born out of the alleadgeance of the Queen as Queen of England after the 25th of Decr 1705 I Doe therefore proteſt for my ſelf and in name and behalf of all who do adhere to this my Protestation that for saveing the Honour & Intereſt of her Majesty as Queen of this Kingdom and mantaining and preſerveing the undoubted Rights and Priviledges of her Subjects no Act for a Treaty with England ought to paſs in this houſe unles a Clauſe be Adjected thereto prohibiting and diſchargeing the Commiſsioners that may be nominat and appointed for Carrieing on the ſaid Treaty to depart the Kingdom in order thereto untill the ſaid Clauſe be Repealled and Rescinded by the Parliament of England And doe therefore deſyre this my Proteſtation may be marked and recorded in the Records of Parliament" Which Proteſtation being read The ſaid Duke of Atholl did take Inſtruments thereupon And the ſame was adhered to by the perſons following viz. For the Nobility The Duke of Hamilton, the Marqueſses of Montroſe and Tweeddale, the Earles of Erroll Marishall Rothes Home Wigtoun Strathmore Roxburgh Hadingtoun Selkirk Aberdeen Ruglen and Bute, The Viscount of Stormont, The Lord Sultoun, the Lord Semple, the Lord Balmerinoch, the Lord Blantyre, the Lord Pitsligo, the Lord Belhaven, the Lord Colvill, and the Lord Kinnaird, For the Barons George Lockhart of Carnwath, Sir James Foulis of Colingtoun, Sir Robert Sinclair of Longformacus, Sir John Swintoun of that Ilk, Sir Patrick Home of Renton, George Baillie of Jerviſwood, John

Sinclair younger of Stevenſtoun, Mr Alexr Ferguſon of Isle, John Briſbane younger of Biſhoptoun, Mr William Cochran of Kilmaronnock, Sir Humphray Colquhoon of Luſs, Sir John Houſtoun of that Ilk, John Grahame of Cullairn, James Grahame of Buchlyvie, Robert Rollo of Powhouſe, Sir Patrick Murray of Auchtertyre, John Murray of Struan, Sir David Ramsay of Balmain, Alexander Gordon of Pitlurg, John Udney of that Ilk, James More of Stonywood, Lodovick Grant of that Ilk, David Bethune of Balfour, Major Henry Balfour of Dunboig, Robert Douglas of Strenry, Mr Patrick Lyon of Auchterhouſe, Mr James Carnegy of Phinhaven, James Halyburton of Pitcurr, David Grahame younger of Fintry, James Ogilvy younger of Boyne, Alexander Duff of Braco, Alexander McGhie of Palgoun, Sir George Sinclair of Klyth, James Sinclair of Stempster, Mr Alexander Abercrombie of Tilliebody, Mr George McKenzie of Inchcouter, and Mr Eneas McLeod of Catboll For the Royall Burrows Alexander Robertſon, Alexander Watson, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Erſkine, James Spittle, Francis Moliefone, Sir Peter Hackat, John Hutcheſon, Mr William Sutherland, Mr John Lyon, Mr Dugall Stewart, Sir Robert Anſtruther, Mr John Carruthers, George Home, Mr James Bethune & Mr Robert Frazer.

THEN the Vote was ſtated Add the Clauſe to this Act or Doe it by a separate way and Carried by a separat way.

MOVED that the Parliament now proceed to Conſider the way of the Nomination of the Commiſsioners for the Treaty Whither the ſame ſhall be left to her Majestie or be done by the Estates of Parliament.

ALSO moved that it being now late the furder proceeding on this Act be delayed till the nixt Sederunt And the vote being stated Proceed on this Act or Delay carried Proceed.

THEREAFTER the Vote was ſtated Leave the Nomination of the Commiſsioners to the Queen or to be done by the Estates of Parliament and Carried to be left to the Queen.

THEN the Act again read and put to the Vote Approve or Not.

BEFORE voteing the Duke of Atholl proteſted againſt approveing the Act in reſpect of the Reaſons contained in his former Proteſtation which was alſo adhered to by the perſons following, For the Nobility The Marqueſses of Montroſe and Tweddale, The Earles of Erroll, Mariſhall, Rothes, Home, Wigtoun, Strathmore, Roxburgh, Hadintoun, Selkirk, Aberdeen and Ruglen, The Viſcount of Stormount, The Lord Saltoun, The Lord Semple, The Lord Balmerinoch, The Lord Blantyre, The Lord Pitſligo, The Lord Belhaven, The Lord Colvill and the Lord Kinnaird, For the Barons George Lockhart of Carnwath, Sir Patrick Home of Renton, George Baillie of Jerriſwood, John Sinclair younger of Stevenſtoun, Mr Alexander Ferguſon of Ile, John Briſbain younger of Biſhoptoun, Mr William Cochran of Kilmaronnock, Sir Humphray Colquhoon of Luſs, Sir John Houſtoun of that Ilk, John Grahame of Cullairn, James Grahame of Buchlyvy, Robert Rollo of Powhouſe, Sir Patrick Murray of Auchtertyre, John Murray of Struan, Alexander Gordon of Pitlurg, John Udney of that Ilk, James Moir of Stonywood, Lodovick Grant of that Ilk, David Bethune of Balfour, Major Henry Balfour of Dunboog, Robert Douglas of Strenry, Mr Patrick Lyon of Auchterhouſe, Mr James Carnegy of Phinhaven, James Halyburton of Pitcurr, David Grahame younger of Fintrie, James Ogilvie younger of Boyne, Alexander Duff of Braco, Alexander Maghie of Palgown, Sir George Sinclair of Klyth, James Sinclair of Stempſter, Mr Alexander Abercrombie of Tilliebodie, Mr George McKenzie of Inchcouter and Mr Eneas McLeod of Catboll, For the Royall Burrows, Alexander Robertſon, Alexander Watſon, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Areſkine, James Spittle, Sir Peter Hackat, Francis Moliefoun, John Hutcheſon, Mr William Sutherland, Mr John Lyon, Mr Dougall Stewart, Sir Robert Anſtruther, Mr John Carruthers, George Home, Mr James Bethune and Mr Robert Frazer.

THEN the vote was ſtated Approve the Act or Not and carried Approve.

THEN the Lord Chancellar by order of Her Majesties High Commiſsioner Adjourned the Parliament till Tuesday nixt at ten of the cloak.

SEAFIELD Cancellar. I. P. D. P.

September 4, 1705.

PRAYERS *ſaid* Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for the Earle of Buchan Craveing a competent tyme to enter heir cum beneficio Inventarii to his predeceſsors laſt infeft read Ordered that the same ly upon the table till the 3d Sederunt this week appoynted for privat buſineſs to the effect all perſons haveing intereſt may ſee & anſwer the same againſt the ſaid Dyet.

THE Draught of an Addreſs to her Majesty preſented by the Earle of Sutherland read.

ANE other Draught of ane Addreſs to her Majesty preſented by the Laird of Salton read.

OVERTURE of ane Act ordaining and enacting that the Commiſsioners to be named by her Majesty for the pairt of Scotland ſhall not enter upon a Treatie till the Clauſe in the English Act Declairing us aliens be Reſcinded read.

MOVED that the Parliament proceed in this matter by way of Order of Parliament & by Addreſsing her Majesty & not by way of Act of Parliament & after Debait it was put to the vote Proceed by way of Order & Addreſs or by way of Act & Addreſs & Carried by way of Order & Addreſs.

THEN agreed & ordered by the Eſtates of Parliament nemine contradicente That the Commiſsioners to be named by her Majesty for the Kingdom of Scotland ſhall not Commence the Treatie of Union until the Clauſe in the English Act Declairing the Subjects of Scotland aliens be Reſcinded.

THEREAFTER the Parliament proceeded to Consider the Draught of the Addreſs to her Majesty that was first given in & after some Amendments thereon it was put to the vote Approve the Addreſs or Not & carried Approve nemine contradicente.

OVERTURE of ane Act for incourageing the Exportation of Beef & Pork read & a first reading marked thereon.

THEN the Lord Chancellor by order of her Majestys high Commiſsioner Adjourned the Parliament till to morrow at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 5, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

MOVED by the Duke of Atholl that it be recommended to her Majesties High Commiſsioner to preſent the Addreſs which was approven the laſt day to her Majesty as his Grace ſhall ſee it proper and convenient and the motion agreed to.

OVERTURE for ane Act prohibiteing and dischargeing the Importation of all merchandize and other commodities from England after the 25 of December nixt ay and until the prohibitory claufes in the English Act of Parliament be repealled read and a first reading marked thereon.

OVERTURE for ane Act anent the Exportation of wooll and ſkins read and a first reading marked thereon.

OVERTURE for ane Act dischargeing the Importation of English or Irish Tannd leather read and a first reading marked thereon.

OVERTURE for ane Act takeing off the duty of Wooll and Linnen manufactory read and a first reading marked thereon.

OVERTURE for ane Act for sending Ambaſsadours from this Kingdom to forraign Treaties read and a first reading marked thereon and ordered that the same be printed.

OVERTURE for ane Act diſchargeing the victualling of Ships of this Nation outward bound with Iriſh or forraign Beef or provydeing themselves with forraign Small beer read and a first reading marked thereon.

OVERTURE for ane Act dischargeing the Peers of this Kingdom their going into England without leave of the Privie Council again read And being moved that it have a first reading It was put to the vote Mark a first Reading or Not and Carried in the negative.

THEN the Lord Chancellour by order of her Majesties High Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 6, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PROPOSAL anent the arming and training of ane army of Seventy two thouſand foot and Eight thouſand horse by raiſeing of a moneth and halfs Supply read and ordered to be printed.

ORDERED that Colin Campbell of Glenderuile and Neill MacLeod ane of the Captains of her Majesties foot guards and George Mackenzie son to George Mackenzie in Stonhyve who were Cited before the Parliament Doe attend the furder Dyets thereof.

ORDERED that the Ratifications and Warrands for fairs to be given in this Seſsion of Parliament be ready to be preſented the third Sederunt nixt week and her Majesties high Commiſsioner appoints the Lord Advocat the Lord Thesaurer Depute and Lord Juſtice Clerk or any two of them to reviſe the same.

ORDERED that the said Sederunt nixt week be for receiving the Report of the Commiſsion for Publick Accompts and that petitions relateing thereto come in according to the order of the said report.

PROCES Sir Walter Seaton against Malloch and others called and parties procurators being heard as to the seeing of the proces The Parliament Refused to allow the Defenders to see the same in regard they did not call for it debito tempore And the procurators being farder heard Whether a personal protection shall be granted to the pursuer or Not After the Parliaments reasoning thereon they in respect of his special circumstances Granted to him a personal Protection Reserving to the Creditors to Inſiſt be way of reduction before the Judge Ordinar of anie Deed done in their prejudice.

MOVED that he be oblidged to give his Oath before the Lord Chancellar Whether he hath made any fraudulent Conveyance or Not and that before Extracting.

MOVED alſo that his protection be given simply without any such quality And after Debate it was put to the vote Simply or with a Quality and carried Simply.

THEN agreed That this protection continue till recalled by the Parliament.

PETITION for Patrick Lord Kinnaird continued till next Sederunt for private buſineſs and to be then firſt under Consideration.

PETITION for Collonell Patrick Ogilvie and others for preventing the Importation of Irish victuall read And after Debate agreed that the same be under the Consideration of the Parliament the firſt Sederunt after the Act of the Supply shall be finished.

PETITION for the Earle of Buchan again read And after reasoning thereon It was put to the vote Grant a year to the petitioner to Enter heir to his predeceſsors who dyed laſt infeft for the ends contained in his petition or Not and it carried Grant.

OVERTURE for ane Act in favours of the town of Glasgow for ane Imposition of two pennies upon the pynt of all ale browen and vended within the said town for payment of their Debt read.

OVERTURE for ane Act in favours of the Royall Burrows and others for the same Imposition also read.

MOVED that a first reading be marked on the Act in favours of the Town of Glaſgow Also moved that a first reading be marked on the General Act and after Debate It was put to the vote Mark a first reading on the General or Special Act and Carried Mark a first reading on the Special Act.

THEN the Lord Chancellor by order of Her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 7, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

MOVED that the petition for Sir David Cuninghame of Milncraig anent the Changeing of the high way about his houſe be read and Agreed that the ſame be under Conſideration the firſt Sederunt after the Act of Supply ſhall be finiſhed previous to all other privat buſineſs.

THEN the Parliament proceeded to Conſider the Act for the right cureing packing and pyneing of Beef and Pork for Exportation And after reading and ſome Amendments made thereupon It was put to the vote Approve or not and carried Approve.

PETITION for Captain Walter Lockhart again preſented and a farder ſift of execution granted to him.

THE Act takeing off the ducty of Linnen and Woollen Manufactory that ſhall be Exported again read And after ſome Amendments It was put to the vote Approve the act or Not and carried Approve.

ACT prohibiting and diſchargeing the Importation of all merchandize and other Commodities from England again read And after debate It was put to the vote Proceed to a prohibition in general or of particulars and Carried to proceed to a prohibition of particulars.

MOVED that the Importation of Tobacco from England be one of the particulars to be prohibite And after debate It was put to the vote Prohibite or Not and Carried in the negative.

THE farder Conſideration of the other particulars delayed till the nixt Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 8, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for the town of Culroſs read and all partys haveing Intereſt Ordained to ſee and Anſwer againſt the third Sederunt nixt week appointed for privat buſsines.

ACT prohibiteing the importation of Commodities from England again read and after reaſoning recommended to the Council of Trade to Conſider the branches of our Commerce with England and other places and to bring in what Overtures ſhall be proper for Advanceing the trade of this Kingdom nixt Seſsion of Parliament.

THEN the Parliament proceeded to Conſider the Act of Supplie which was again read And after reaſoning it was put to the vote Grant six moneths Supplie to her Majestie Extending to 432800l. for mantaining the army gariſons & friggots for ane year or Not and carried Grant Six moneths ſupplie for the ends forſaid.

AGREED that the Supplie be payed at the terms following viz. Two moneths at Martinmaſs nixt 1705 two moneths at Candlemaſs 1706 and two moneths at Lambaſs therafter.

MOVED that ane other moneths Supplie be granted for payment of 4800 Lib. to Mr James Anderſon wryter to her Majesties Signet and 4800 Lib. to Mr James Hodges conforme to a vote in this Seſsion of Parliament and alſo for payment of 2400 Lib. to William Bayne brother to the deceaſt James Bayne wright in part of the Sums due to the ſaid James Bayne by the Government and for outrigeing her Majesties Ship the Royall William and for mantaining two Birlines to be kept upon the weſt Coaſt for preventing the importation of Iriſh victuall & other prohibit goods and the term of payment of the ſaid moneths Supplie to be Martinmaſs 1706 And after reaſoning upon the ſaid motion it was put to the vote Approve or Not and carried Approve.

THEN Ordered that the Royall Burrows outrig the Frigotts and two Birlines with all convenience and Recommended to the Lords of Theſaury to aſsigne ſo much of the ſaid moneths Supplie as ſhall be deburſed by them for theſe ends As alſo Recommended to the Lords of Theſaury to Aſsign ſo much of the ſaid moneths ſupplie to the above perſons as will Satiffie the respective ſums granted to them by the Parliament And the Act of Supplie haveing receaved ſome other Amendments it was put to the vote Approve the act or Not and carried Approve.

ORDERED that additional Liſts of Commiſsioners for Supplie be given in nixt Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tueſday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 11, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for Sir David Cuninghame of Milncraig for changeing the high way about his houſe again read And after debate the deſyre of the Petition granted under the proviſions and at the sight and to the ſatisfaction of ſuch perſons as contained in the delyverance upon the ſaid petition.

THE Lord Chancellor acquainted the Parliament that the reſt of the papers relateing to the late Plot were now tranſmitted and they ſhould be given in to the Lord Clerk Regiſter to the effect any member of Parliament may ſee the same.

MOVED that the Act nameing Publict Miniſters for Scotland to be preſent at forraign Treaties wherein the Kingdom may be concerned be again read which was accordingly done And after ſome debate and amendments made upon the Act It was put to the vote Approve the Act or Delay the furder Conſideration thereof and carried Approve the Act.

OVERTURE for ane Act Appoynting a fond for defraying the charges and expences of the Publick Miniſters to be named by her Majestie to attend the forraign Treaties read and a firſt reading marked thereon.

THEN the Lord Chancellor by order of her Majesties High Commiſsioner Adjourned the Parliament till Thurſday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 13, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

PETITION for Mrs Jean Ramsay Daughter to the deceast Lieutennent Generall George Ramsay read.

THEREAFTER ane Overture for ane Act in favours of the ſaid Mrs Jean Ramsay read and a first reading ordered to be marked thereon.

OVERTURE of ane Act for ane additionall Excyſe presented by the Earle of Southerland for satisfieing the arrears due to the officers who have ſerved ſince the Revolution read and ordered to be printed.

THE Act appoynting a fond for defraying the charges and expences of the Publict Ministers to be named by her Majesty to attend the forreign Treaties again read And after some amendments made upon the Act it was put to the vote Approve the Act or Not and Carried Approve the Act.

THE Act in favors of the toun of Glaſgow again read And after debeat It was put to the vote Grant to the town of Glaſgow ane Imposition of two pennies upon the pynt of ale browen and vended within the said town for the uses contained in the Act And after some amendments made upon the Act it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that the town of Glasgow cause print this Act after Extracting thereof As alſo the Act granted in anno 1693 in their favors.

MOVED that this Gift in favors of the Town of Glasgow be burdened with payment of the sum of 3600 Lib. to Mr James Anderson writer to her Majesties Signet for Inableing him to carry on ane accompt of the ancient and original Charters and Seals of our Kings preceeding King James the Firſt in Copper plates according to the ancient characters of the saids Charters and the motion agreed to.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till the morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

September 14, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Sir Andrew Kennedy againſt Sir Alexander Cuming of Coulter read and remitted to the Lords of Seſsion to determine the poynt of right and poſseſsion of the petitioners office as intire to be Discust summarly.

ACT in favors of Mrs Jean Ramsay again read.

A RESOLVE offered that the Parliament dureing this Seſsion will not grant any new Ceſs or any other Imposition whatsomever upon the Kingdom or any part therof read.

MOVED that before the Resolve take effect the petition given in for the town of Dundee and other Royall Burrows be read And after debeat it was agreed to proceed to the Consideration of the Act in favors of Mrs Jean Ramsay before approveing the Reſolve and then it was put to the vote Agree to the Reſolve now read or Read and Consider the petitions preſented by the town of Dundee and the other Royall Burrows and carried Agree to the Resolve.

THEN the Parliament proceeded to the Consideration of the Act in favors of Mrs Jean Ramsay appoynting a moneth's ceſs to be payed at the terms mentioned in the Act for payment of the cloathing money and arrears due to the deceast Lieutenant General George Ramsay her father And after some amendments made upon the Act It was put to the vote Approve the Act or Not and carried Approve.

PETITION for the Merchants in Edinburgh in relation to paſses from her Majestie dureing the tyme of war for Carrieing on their trade read and recommended to her Majesties high Commiſsioner to represent to her Majestie as their humble request that paſses be granted by her Majestie to the subjects of this Kingdome trading to France and Spain and that her Majestie may be pleased to give such orders as shall protect them in their said trade as well against her Majesties ships of war and privateers as those of her allies.

ORDERED that next Sederunt the Report of the Commiſsion for Publict Accounts be receaved and that the article relateing to the Lord Belhaven and his partners their tack of Excyſe be first under consideration Thereafter to Consider the article relateing to Broomhalls Debursements for the Army and then Ferguslies case with relation to the Pole Money.

PETITION for the Earle of Home read Craveing that some tyme be allowed to him to enter air to his predeceſsors laſt Infeft cum beneficio Inventarii and the Creditors allowed to see and answer the same againſt the next Sederunt of Parliament.

PETITION for Sr Thomas Kennedy of Kirkhill and partners of the tack of Excyſe betuixt the year 1691 and the year 1696 read Craveing their damnages sustained by breaking their tack by act of Parliament and other supervenient Laws to their prejudice be considered and the Petitioners recommended to her Majestie in such terms as Contained in the delyverance upon the said petition.

PETITION for Collonell James Campbell read Craveing payment of the arrears due to him mentioned in his petition and the petitioner recommended to the Lords of Thesaury conforme to the Delyverance upon his Petition.

PETITION for Sarah Dalrymple daughter to Dalrymple read Craveing the previledge of a Japanning manufactory Answers to the said petition by Mr Leblanc and Mr Scott Glaſs makers also read And after some debeat the petition and answers ordered to ly upon the table.

OVERTURE for ane act for ease of the leidges as to the prices of Fleshes in Edinburgh read and a first reading ordered to be marked theron and agreed that the representation for the Skinners be under Consideration when the act comes to receave a second reading.

PETITION for Captain Thomas Hay read and the Lady Semple Collonell John Buchan and others ordained to be cited in the terms of the Act of Parliament.

PETITION for the Lady Bredieſholme against James Muirhead of Bredieſholme read And after debeat it was put to the vote Whither the faid James Murehead should see and answer the said petition or be cited in the ordinar form and Carried that he should be cited.

PETITION for Captain Charles Campbell read Craveing payment of his arrears and a sist of personal Execution against him for some tyme and that part of the petition as to a personal sist of Execution ordained to be seen and answered by his Creditors against the next Sederunt and recommended to the Lords of Thesaury for a certain sum conform to the delyverance upon his petition.

ACTS of Ratification in favors of severall persons read and several Protestations taken against some of the saids Acts As alſo several Warrands for Fairs read and a Protestation taken against the fair of Balwhiddro granted to the Laird of Touchaddam and Extracting of the saids fairs superceeded till next Sederunt and all objections against the saids fairs made betwixt and that tyme to be received.

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[LIST of Acts of Ratifications granted in Parliament 1705.

ACT Ratifieing a charter under the Great Seal of the date at S[t] James's the twelvth day of May I[m] vij[c] and two years Granted by her Majesty for her self and as come in place of the Prince and Steuart of Scotland and of the late Bishops respective with consent of her Thesaury and Exchequer to her Majesties high Commissioner John Duke of Argyll then Marquess of Lorn and his heirs male & of tailzie thereinspecified Which failzieing to his other heirs or assigneyes whatsoever heretably and irredeemably under the provisions & limitations therein mentioned Of the Lands Earldom Lordships Baronies Burghs offices castles mills harbours teinds patronages & others therein expressed with power of holding the fairs and mercats and the other freedoms and priviledges therein set down All which formerly pertained to and were Resigned by the deceased Archbald Duke of Argyll and are all of new Disponed to the said John Duke of Argyll and his foresaids by vertue of the said Charter Wherein also is contained a dissolution of severall of the lands and others therein mentioned which do not ly locally or by annexation in the shire of Argyll from all jurisdictions to which they were formerly united and an Erection thereof in the Regality Lordship and Barony of Campbell Ordaining the Kirktoun of Dollar to be the head burgh thereof Which Burgh her Majesty has by the said Charter Erected in a free Burgh of Regality to be called the Burgh of Regality of Campbell And has likewayes Erected the toun of Ross in Roseneath in a free burgh of barony to be called the Burgh of Barony of Portrose And has Given to the said Duke & his foresaids the priviledge of keeping fairs and mercats at the said severall Burghs on the dayes therein specified And a power to build a free port and harbour at the said Burgh of Portrose with the tolls customes duties & other powers and priviledges specified therein Whereby also her Majesty as come in place of the said Prince and Steuart has dissolved severall lands & others thereinmentioned from all Lordships & Baronies to which they were formerly united And has adjoined the same to the old Barony of Auchnagarran Declaring one seasine to be taken at the mannor place of Auchnagarran or any part of the said Barony to be sufficient for the haill. By which Charter her Majesty as Queen of Scotland has likewayes united and erected all the other Lands Earldom Lordship and others thereinspecified in the Dukedom Marquissat Earldom Lordship and Barony of Argyll Declareing one seasine to be taken at the Castle of Inverary or at any part of the said Dukedom to be sufficient for the haill, To be holden of her Majesty for her self and as come in place of the said Prince & Bishops respective and of her successors in manner expressed in the said Charter which also contains a Dispensation for serveing retouring and infefting in the lands and others thereinmentioned that are holden in taxt ward the heirs & successors of the said Duke notwithstanding of their minorities And a Confirmation of all rights of the said lands Dukedom Baronies and others foresaid granted to him & his foresaids & to the said umquhill Duke of Argyll his father or any of their predecessors with diverse other clauses Together with the precept of seasine contained in the said Charter and Instrument of Seasine following thereupon In all and sundry heads &c.

ACT Ratifieing a Confirmation and prorogation of a former tack together with a new tack under the Privy Seal of the date at S[t] James's the sixteenth day of January I[m] vij[c] and three years granted by her Majesty with consent of her Thesaury and Exchequer to John Earl of Mar and Margaret now Countess of Mar his spouse and longest liver of them two dureing all the dayes of their or either of their lifetimes & thereafter to the said Earl his heirs male & assigneyes for nineteen years and untill the same be recalled Of the few maills fermes caines customes & other duties of the Lands & Lordship of Stirling paying therefor the tack duty of ten merks Scots on the seventeenth day of July yearly In all &c.

RATIFICATION of a Commission under the Great Seal of the date at Bath the fourth day of September I[m] vij[c] and three years granted by her Majesty to Lord Charles Ker second lawfull son of the deceased Robert Marquess of Lothian nominating him sole and only Director of her Majesties Chancellary dureing all the dayes of his lifetime And Giveing to him dureing that space the foresaid office with all the priviledges fees and profites thereof With power of Exerceing the same and of appoynting deputes and servants under him for whom he shall be answerable And also of writeing registering and extracting all brieves retours charters & other writs belonging to the said office And of keeping the Quarter Seal and appending the same to writs used to be sealed therewith according to the custome and priviledge of the foresaid office In all &c.

RATIFICATION of a Charter under the Great Seal of the date at S[t] James's the fifeteenth day of May I[m] vij[c] and two years Granted by her Majesty with consent of her Commissioners of Thesaury and Exchequer to the deceased M[r] William Hamilton eldest lawfull son of umquhill Lord Basil Hamilton and to his heirs and assigneyes whatsoever heretably and irredeemably of the Lands Baronies mills woods fishings and others thereinspecified And also in favors of Lady Mary Hamilton his mother of the liferent annuity therein mentioned to be uplifted furth of the lands and others therein expressed & the other liferent right therein specified Which charter proceeds upon the severall resignations & adjudications specified therein And Contains a New Gift or Disposition to the said M[r] William and his foresaids of all the lands and others mentioned in the same And an Incorporation of the said several lands in three distinct Baronies to be called the Baronies of Baldoon Cumpstoun and Lochfergus Ordaining seasines to be taken at the manner place of Baldoon and Castles of Cumpstoun and Lochfergus respective to be sufficient for the said severall Baronies To be holden of her Majesty for herself and as come in place of the Bishops of Galloway and Dumblain Dean and Subdean of the chappel royal respective and of her successors in manner expressed in the samen charter whereby the duties of ward nonentry relief and marriage of many of the foresaid lands are taxed to the sums respective therein set down, And the several rights & infeftments granted to the deceased Sir David and David Dunbars elder and younger of Baldoon and to the said Lord Basil M[r] William & Lady Mary Hamiltons respective are confirmed Together with the precept of Seasine contained in the said charter & infeftments following on the same In all &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the twenty ninth of April I[n] vij[c] and four years Granted by her Majesty with consent foresaid and proceeding on the Resignations & other Conveyances therein mentioned to Sir W[m] Anstruther of that Ilk one of the senators of the Colledge of Justice and his heirs and assigneyes therein mentioned heretably and irredeemably Of the Lands and Barony of Anstruther Office of Bailliary of Pittenweem, & priviledge of commonty in the common muir thereof, the Baronies of Ardross Elie and Dairsey Burgh of Barony port & harbour of Elie customes anchorages and profites thereof and a weekly mercat and two yearly fairs at the said Burgh, with the superiority of severall lands formerly belonging to the Abbacy of Dryburgh, & severall other lands patronages & others therein specified Which are all of new Disponed to the said Sir William & his foresaids & by the said charter erected in a Barony called the Barony of Anstruther for all which one seasine at the mannor places of Anstruther or Elie or any other part of the said lands is declared sufficient in manner mentioned in the said charter Which containes a disposition & ratification of the offices of One of her Majesties Carvers and

Maſters of Houſehold to the ſaid Sir William & his heirs male ſucceeding in his lands of Anſtruther And a gift of the office of heretable and perpetual ſearchers of prohibit and uncuſtomed goods within the Burghs of Anſtruther and Elie & ports thereof With power to intromet therewith and of haveing a cocquet in the ſaid Burghs. To be holden of her Majesty for payment of the few duties of victual capons & pultrie or prices thereof expreſsed therein And of the other few blench & other duties mentioned in the said charter Whereby alſo the holding of the Barony of Anſtruther & ſome other lands therein specified is changed from taxt ward to blench, And the ſerving retouring & infefting therein the heirs and ſucceſsors of the ſaid Sir William notwithſtanding of their minorities is dispensed with And alſo the ſeverall rights & conveyances of the lands & others foresaid are confirmed, Together with the precept of ſeaſine contained in the said charter and inſtrument of ſeaſine following thereon In all and ſundry &c.

ACT Ratifieing a Charter under the Great Seal of the date at St James's the twelvth day of May I^{m} vij^{c} and two years Granted by her Majesty with conſent foreſaid to Mr Robert Steuart of Tillicultrie one of the ſenators of the Colledge of Juſtice & his heirs or aſsigneyes heretably and irredeemably of the Lands and Barony of Tillicultrie comprehending the ſeveral lands teinds Burgh of Barony weekly mercats yearly fairs & others expreſsed in the ſamen charter And all & ſundry the mines & mineralls of gold ſilver copper tin lead & others whatſoever within the ſaid lands & Barony as for the Principal And of the Lands and Barony of Duncrub & others therein mentioned in ſpecial Warrandice thereof Which Charter proceeds on the severall reſignations decreet of sale and adjudications therein specified And Contains a new gift & diſpoſition of the ſamen haill lands Baronies & others foreſaid principall and warrandice And a Confirmation of all contracts & other rights thereof generally and ſpecially therein ſet down in favors of the ſaid Mr Robert & his authors With a diſpenſation for taking one ſeaſine of the haill lands & others foresaid principall & warrandice at the mannor place or any other part of the Barony of Tillicultrie To be holden of her Majesty and her ſucceſsors in manner expreſsed in the ſaid charter Whereby the duty of marriage payable for the ſaid Barony of Tillicultrie is taxed to a certain ſum therein specified And its declared lawful to the ſaid Mr Robert and his foreſaids to diſpose upon and grant infeftments of annualrent furth of the ſaid lands Baronies and others principall and warrandice without conſent of her Majesty or her ſucceſsors notwithſtanding of any clauſes for not alienating or any other prohibitory or irritant clauſes contained in the infeftments thereof Which clauſes with all benefite thereof her Majesty for her & her ſucceſsors Renunces by the ſaid charter in favors of the ſaid Mr Robert and his foreſaids, Together with the precept of ſeaſine therin contained and inſtrument of ſeaſine following thereon In all and ſundry &c.

RATIFICATION of a Commiſsion and Gift under the Privy Seal dated at St James's the laſt day of December I^{m} vij^{c} and two years granted by her Majesty with conſent foreſaid to Daniel Steuart brother german to Sir William Steuart of Caſtlemilk Nominating him to be dureing her Majesties pleaſure only Receiver generall Collector and Cashkeeper of the impoſition of twelve ſhilling ſcots granted by the twenty fourth act of the ſecond ſeſsion of the Parliament of King James the Seventh In place of each ounce of bullion formerly impoſed by the eight act of the firſt ſeſsion of the ſecond Parliament of King Charles the Second upon the ſeveral commodities thereinſpecified for defraying the charges of a free coinage paying the Sallaries of the Mint & the other uſes thereinmentioned And Giveing to the ſaid Daniel dureing the ſaid ſpace the foreſaid office with the yearly fee of fifty pounds Sterling to be payed out of the first and readieſt of the fond appointed for paying the fees & ſallaries of the officers of the Mint With the whole other fees & priviledges belonging thereto and all other immunities proportionally which are allowed to the other officers of the Mint Excepting what's prohibited & innovated by the ſtanding laws, Together alſo with convenient Lodgeings in the Mint-houſe for the said Daniel & his family to be aſsigned to him by the general thereof as is more fully expreſsed in the ſaid Gift and Commiſsion In all & ſundry heads &c.

RATIFICATION of a Charter under the Great Seal dated at Kensingtoun the twenty eight day of February I^{m} vj^{c} and ninety five years Granted by the deceaſed King William with conſent of his then Commiſsioners of Theſaury and Exchequer to Gideon Scot of Heychester and his heirs and aſsigneyes thereinmentioned Of the Lands and Barony of Minto comprehending the lands and others thereinſpecified proceeding on his own resignation And containing a new gift and diſpoſition with a new erection of the ſaid Barony and a dispenſation for takeing one ſeaſine therefore at the mannor place of Minto Together with an erection of the toun of Minto & pertinents in a free Burgh of Barony and a power of keeping thereat a weekly mercat and two yearly fairs on the dayes thereinmentioned with all other liberties & priviledges therein expreſsed To be holden of his Majesty and his ſucceſsors in manner ſpecified therein Whereby the duties of waird nonentry relief and marriage are Taxed for the ſums reſpective therein ſet down And the heirs are allowed to enter notwithſtanding of their minorities And of another Charter under the Great Seal dated at Edinburgh the fourth of August I^{m} vij^{c} and three yoars proceeding on the resignation of the ſaid Gideon Scot and granted by her Majesty with conſent of her Commiſsioners of Thesaury & Exchequer to Sir Gilbert Elliot of Minto one of the ſenators of the Colledge of Juſtice then deſigned of Headſhaw in liferent and to Gilbert Elliot his eldeſt ſon procreat betwixt him and Dame Jean Ker his ſpouſe and the heirs male of his body Which failzieing to the other heirs and aſsigneyes thereinmentioned in fee heretably and irredeemably of the ſaid Lands & Barony of Minto Burgh of Barony thereof priviledge of mercats and fairs and all rights priviledges and liberties of a free Barony & Burgh of Barony mentioned in the other Charter aboveſpecified To be holden of her Majesty and her ſucceſsors in manner therein expreſsed Together with the precepts of ſeaſine contained in the ſaid ſeveral charters and inſtruments of ſeaſine respective following on the ſame In all &c.

RATIFICATION of another Charter under the Great Seal dated at Kensingtoun the eleventh day of January I^{m} & vij^{xx} years Granted by the ſaid deceaſed King William with conſent of his Theſaury and Exchequer proceeding on the resignation of the above named Sir Gilbert Elliot to and in favors of him the ſaid Sir Gilbert then deſigned Advocat & Clerk to the Privy Council in liferent and the ſaid Gilbert his ſon and the heirs male of his body Which failzieing to the other heirs & aſsigneyes therein expreſsed in fie heretably and irredeemably & under the conditions & reſervations therein mentioned Of the lands of Headſhaw with the other lands mills patronages & others therein specified All which are by the ſaid charter of new diſponed to the ſaid Sir Gilbert & Gilbert Elliots & their foreſaids And erected in a free barony to be called the Barony of Headſhaw Whereof the manſion houſe of Headſhaw is declared to be the principal meſsuage & one ſeaſine thereat ſufficient for the haill. To be holden of his Majesty and his ſucceſsors in manner therein ſet down Together with the precept of ſeaſine therein contained and inſtrument of ſeaſine following thereon In all and ſundry &c.

RATIFICATION of a Tack under the Privy Seal dated at St James's the fifeteenth day of May I^{m} vij^{c} and two years Granted by her Majesty with conſent of her Theſaury and Exchequer to David Earl of Leven his heirs and aſsigneyes whatſoever dureing the ſpace of two nineteen years Beginning at Whit-

ſunday I^m vij^c^ and two years Of the few and teind duties payable to Her Majesty furth of all lands within the paroches of Dumfermling Kinglaſsie and Newburn which are parts & pertinents of the Lordſhip and Regality of Dumfermling Excepting the lands now belonging to the Earl of Rothes in the paroch of Kinglaſsie And provideing the ſaid tack ſhall not extend to few and teind duties that were poſſeſsed by umquhill John Marquefs of Tweeddale as haveing right to a tack of the ſaid Lordſhip and Regality and of which he & John now Marquefs of Tweeddale obtained a new tack Provideing alſo that the Granting and Accepting the foreſaid tack to the ſaid Earl of Leven ſhall not prejudge any former right which he as patron of the Kirk of Newburn or otherwayes has to the teinds thereof Paying therefore yearly the ſaid Earl & his foreſaid To her Majesty and her ſucceſsors Ten pounds Scots of tack duty as is more fully expreſsed in the ſaid tack In all & ſundry &c.

ACT Ratifieing a Charter under the Great Seal proceeding by warrand on a Signature past under the hand of the ſaid deceaſed King William of the date at Kensingtoun the third day of February I^m vij^c^ and two years Granted with conſent of the Theſaury & Exchequer upon the ſeverall decreets of adjudication decreet of ſale & reſignations &c. therein ſpecified in favors of Lieutennent Collonel thereby deſigned Captain William Maxwell of Brigadeer Maitlands regiment in liferent and William Maxwell his eldeſt lawful ſon & the heirs male to be procreat of his body Which failzieing to his other heirs and aſsigneyes therein mentioned heretably and irredeemably in fee under the proviſions and reſtrictions therein expreſsed Of the Lands and Barony of Cardineſs comprehending as is therein ſpecified & of ſeverall other lands & others ſet down therein as principal And of the Lands & Baronies of Caſtlesteuart & Ravenstoun in ſpeciall Warrandice thereof Containing an Erection of the Clachan of Anweth and Marquocher with the crofts & others adjacent thereto &c. in a free Burgh of Barony to be called the Burgh of Cardineſs at which they are impowered to keep a weekly mercat and four yearly fairs on the dayes therein expreſsed with an erection of that part of the Barony of Cardineſs lying on the weſt ſide of the water of Fleet where the ſame falls in the Sea in a free port and harbour Giveing to the Lieutennant Collonel his ſon & their foreſaids power to build the ſaid harbour with the severall priviledges therein ſpecified Together with a new Gift & diſpoſition of the ſaid lands & baronys principall & warrandice and of the said Burgh fairs mercat and free port and harbour and an erection of the ſaid haill lands Burgh and others principally diſponed in a free Barony to be called the Barony of Cardineſs Ordaining the caſtle & touer of Cardineſs to be the principall meſsuage thereof And one ſeaſine thereat or on any other part of the Barony to be ſufficient for the haill. And alſo for the Lands & Baronies diſponed in warrandice To be holden of her Majesty and her ſucceſsors as is expreſsed in the ſaid charter Whereby alſo the duties of ward nonentry relief & marriage of the ſaid principall lands are of new taxed to the ſums therein specified expreſsed in a former charter And the heirs abovementioned are allowed to enter notwithſtanding of minority, Together with the precept of ſeaſine therein contained & inſtrument of ſeaſine following thereon In all & ſundry &c.

RATIFICATION of a Charter under the Great Seal dated at Kensingtoun the twenty eight of April I^m vj^c^ & ninety eight years Granted by the deceaſed King William with conſent of his then Theſaury & Exchequer & proceeding on the reſignation of the now deceaſed Thomas Forbes of Echt in favors of Arthur Forbes now of Echt his eldeſt lawfull ſon & his heirs & others therein mentioned under the proviſions therein expreſt in fee heretably and irredeemably Of the Lands & Barony of Echt Comprehending the lands & others therein specified Which charter containes a new Gift of the ſaid Barony and an Erection of the Town of the Maines of Echt in the Burgh of Barony of Echt with power of holding a weekly mercat and two yearly fairs upon the ſeveral dayes therein mentioned and ſeverall other powers and priviledges And also a New Union of the ſaid haill Barony & Burgh In the Barony of Echt with diſpenſation for takeing one ſeaſine thereof at the mannor place or Caſtle of Echt in the ſhire of Aberdeen Which haill Barony is abſolved from all other ſheriſdoms & ordinary jurisdictions whatſoever by reaſon of the foreſaid new Union To be holden of his Majesty and his ſucceſsors in manner expreſsed in the ſaid charter whereby the duties of waird nonentry relief and marriage of the ſaid Barony are taxed to the ſums mentioned therein Which contains alſo a Confirmation of the ſeverall charters & infeſtments therein specified in favors of the said Thomas & Arthur Forbeſses & their predeceſsors Together with the precept of ſeaſine contained in the ſaid charter & inſtrument of ſeaſine following thereupon In all and ſundry &c.

RATIFICATION of a charter under the Great Seal dated at Kensingtoun the first day of April I^m vij^c^ and one years granted by the ſaid deceaſed King William with conſent foreſaid and proceeding on the reſignations of John Leith of Leithhall & of umquhill John Earl of Mar & his aſsigneyes therein named In favors of the said John Leith he being on life dureing all the dayes of his lifetime & John Leith his lawful ſon & the heirs male of his body Which failzieing to the other heirs & aſsigneyes therein mentioned heretably & irredeemably in fie under the proviſion & faculty therein expreſsed in favors of the said John Leith elder Of the Lands & Barony of Leithhall comprehending the severall lands teinds priviledge of a yearly fair and others therein specified Which charter contains a new gift or diſpoſition of the ſaid Barony & an new Union thereof Ordaining the mannor place of Leithhall to be the principall meſsuage and one ſeaſine thereat or on any part of the said lands to be ſufficient for the haill Barony To be holden of his Majesty & his ſucceſsors as is expreſsed in the ſaid charter whereby alſo the duties of waird nonentry relief and marriage of severall of the ſaid lands are taxed to the ſums respective therein specified and the heirs above mentioned are allowed to [be] ſerved retoured and inſeft therein notwithſtanding of minority, Together with the precept of ſeaſine therein contained & inſtrument of ſeaſine following thereon In all &c.

ACT Ratifieing a Charter under the Great Seal dated at Kensingtoun the third day of February I^m vij^c^ and two years Granted by the ſaid deceaſed King William with conſent foreſaid And proceeding on the reſignation of John Forbes of Balflug in favors of the said John he being on life dureing all the dayes of his lifetime and of George Forbes his eldeſt lawfull ſon and the heirs male of his body Which failzieing to the other heirs & aſsigneyes therein mentioned heretably and irredeemably in fie under the proviſion & faculty thereby conceived in favors of the said John Forbes Of the Lands & Barony of Alſoord comprehending the touns lands mill priviledge of a yearly fair & others therein specified and containing a new gift and diſpoſition Together with a new Erection of the foreſaid Barony of Alfoord Whereof the mannor place of Balflug is ordained to be the principall meſsuage & one ſeaſine thereat or on any part of the ſaid lands to be ſufficient for the haill Barony, To be holden of his Majesty & his ſucceſsors as is expreſsed in the said Charter Whereby alſo the duties of waird nonentry relief and marriage payable for the said Barony are Taxed to the ſums therein specified And the heirs above mentioned are allowed to be ſerved retoured & inſeft therein notwithſtanding of their minorities, Together with the precept of ſeaſine therein contained & inſtrument of ſeaſine following thereon And alſo of new appointing a weekly mercat to be keept in all time comeing at the Toun & Lands of Endovie which is a part of the said Barony of Alfoord & ly within the ſhire of Aberdeen upon every thursday and a fair to be holden thereat yearly in all time comeing upon the third tueſday of May and

to continue four dayes called S[t] John's fair And Granting to the said John and George Forbeſses & their foreſaids in liferent & fie respective as said is the right & priviledge of keeping the said weekly mercat & yearly fair for all kinds of merchandice (which priviledge the predeceſsors of the said John formerly had by their rights & infeftments) with all the tolls cuſtomes & caſualities thereof & all other liberties priviledges & advantages uſed & wont to belong to any haveing the right of keeping fairs & mercats within this Kingdom without prejudice of the other fair mentioned in the said charter In all &c.

RATIFICATION of a Gift under the Privy Seal of the date at Windſoir Caſtle the fifth of Auguſt I[m] vij[c] and two years granted by her Majesty with conſent of her Theaſury and Exchequer of an Annuity of twelve thouſand pounds out of the firſt and readieſt of the rents & profites of the Earldom and Lordſhip of Orkney and Zetland includeing all former ſettlements furth thereof to James Earl of Mortoun his heirs & ſucceſsors Beginning the firſt terms payment at Martinmaſs then next And ſo furth yearly & termly thereafter untill his cauſe therein mentioned be tryed & finally diſcuſsed And for the more ſure payment aſsigneing to him & them as much of the said rents And appointing him & his deputs Chamberlains & Collectors of the said rents Provideing that after payment of the said Annuity in the firſt place he be countable to the Theſaury for the ſuperplus As alſo that the Commiſsioners of Theſaury may ſet the said rents in tack Provideing they take the tackſmen oblidged by the tack to pay in the firſt end of the tack duty the ſaid Annuity to the said Earl of Mortoun & his forſaids without neceſsity of any interveening precept or order In all & ſundry &c.

RATIFICATION of a charter under the Great Seal of the date at S[t] James's the laſt of March I[m] vij[c] and four years granted by her Majesty with conſent foreſaid to the ſaid James Earl of Mortoun and his heirs male and other heirs & aſsigneyes therein mentioned Of the lands & Barony of Aberdour Burgh of Barony & Regality thereof port & harbour of the ſame & priviledge of building a free port in any part of the ſaid Barony with liberty & power of keeping fairs and mercats on the dayes therein mentioned And of receiveing reſignations & granting infeftments of all lands & annualrents & others within the ſaid Burgh of Aberdour and ſeverall other rights & privileges The Lands Earldom & Barony of Mortoun & pertinents particularly the right of preſenting four burſars in the Colledge of Glaſgow The Lands & Baronys of Borge & Buthhill & ſeverall other lands patronages & others therein mentioned Which charter proceeds on the ſeverall apprifeings & other conveyances therein ſpecified And contains a new Gift of the haill lands & others therein mentioned And a new Erection thereof in the Earldom of Mortoun Ordaining the Caſtle of Aberdour to be the principall meſsuage thereof and one ſeaſine thereat or on any part of the said Barony of Aberdour to be ſufficient for the haill To be holden of her Majesty in free blench as is contained in the said charter Whereby alſo the rights of the ſeverall annualrents therein mentioned & conveyances thereof to the ſaid Earl are confirmed Together with the precept of ſeaſine therein contained and inſtrument of ſeaſine thereon In all & ſundry heads &c.

RATIFICATION of a charter un ler the Great Seal of the date at S[t] James's the thirtieth day of November I[m] vij[c] and three years Granted by her Majesty with conſent foreſaid and proceeding on the ſeverall Reſignations Decreet of ſale and other Conveyances therein mentioned to Sir William Maxwell of Monreith knight and baronet and his heirs male and of tailzie and other heirs and aſsigneyes therein ſpecified under the proviſions & reſtrictions therein expreſsed Of the Lands and Baronys of Monreith Aplebie Mochrumloch and other lands teinds & others therein mentioned Which charter contains a Confirmation of the ſeverall rights & infeftments of the foreſaid lands & others therein expreſsed with a new gift thereof and an Union of the ſame in the Barony and Forreſtry of Monreith Giveing to the ſaid S[r] William and his foreſaid the priviledge juriſdiction & caſuality belonging to a free Barony and Forreſtry & Ordaining the manor place of Monreith to be the principall meſsuage thereof and one ſeaſine thereat to be ſufficient for the haill To be holden of her Majesty for her ſelf and as come in place of the Biſhops reſpective For payment of the few duties of victual & capons or prices thereof therein mentioned and of the other few blench and taxtward duties ſpecified in the ſaid Charter Whereby alſo the duties of waird relief nonentry & marriage payable for ſeverall of the ſaid lands & others are taxed to the ſeveral ſums therein expreſsed And the heirs are allowed to enter thereto notwithſtanding of minority And sicklike the ſeverall few charters therein mentioned granted to the said S[r] William and his foreſaids & to his authors by Sir James Dunbar of Mochrum with the conveyances of the ſame are confirmed Together with the precept of ſeaſine therein contained & Inſtrument of ſeaſine thereon following In all and ſundry heads &c.

RATIFICATION of a Charter under the Great Seal of the date at S[t] James's the twenty firſt of December I[m] vij[c] and two years granted by her Majesty with conſent foreſaid proceeding on the reſignation of M[r] Thomas Thomſon of Auchquittrie to Sir Alex[r] Ogilvie of Forglen his heirs and aſsigneyes whatſoever heretably & irredeemably Of the Toun and Lands of Todlaw with the pertinents which are thereby of new disponed and united to the Barony of Forglen Declaring one ſeaſine at the mannor place of Forglen or any part of the said lands to be ſufficient To be holden as is expreſsed in the ſaid Charter Whereby the duties of ward relief & marriage for the said lands are taxed to certain ſums therein mentioned and the heirs are allowed to enter notwithſtanding of minority Together with the precept of ſeaſine therein contained & Inſtrument of ſeaſine thereon In all and ſundry heads &c.

RATIFICATION of a charter under the Great Seal of the date at Bath the ſeventeenth day of September I[m] vij[c] and three years Granted by her Majesty with conſent foreſaid proceeding on the ſeverall reſignations and the conveyances thereof mentioned therein In favors of M[r] James Naſmith of Dawick advocat and his heirs male and of tailzie and other heirs and aſsigneyes therein ſpecified heretably and irredeemably of the Lands and Barony of Dawick and other lands teinds & others therein expreſsed all thereby of new disponed under the proviſions & reſtrictions therein ſet down upon the said heirs of tailzie And Erected in the Barony of Dawick for which one ſeaſine to be taken in manner therein ſpecified is declared ſufficient To be holden of her Majesty as is expreſsed in the ſaid charter whereby the duties of ward nonentry relief and marriage of ſeverall of the ſaid lands are taxed to the ſeverall ſums therein ſpecified And the heirs are allowed to be entered notwithſtanding of minority And alſo the Contract of marriage betwixt him the said M[r] James and Miſtreſs Barbara Pringle his ſpouſe is confirmed, Together with the precept of ſeaſine therein contained and inſtrument of ſeaſine thereon In all and ſundry heads &c. In common forme.

Edinb: 14: September 1705.
This Liſt of Ratificationes read and paſt in Parliament.
SEAFIELD Cancellar. I. P. D. P.]

[LIST of Acts for Fairs and Mercats granted in Parliament 1705.

ACT appointing two fairs to be keeped and holden yearly in all time comeing at the Toun of Huntley lying within the ſhire of [Aberdeen] and belonging to George Duke of Gordon, One thereof to begin the third Tuesday of August and the other to

begin on the first Tuesday of October & each of them to continue four dayes And granting to the said Duke his heirs and succesors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice With all the tolls customes and casualities thereof and all other liberties priviledges and advantadges used and wont to belong to any haveing the priviledge of keeping fairs and mercats within this Kingdom.

ACT appointing two fairs to be holden yearly in all time comeing at the Toun of Turrif in the paroch of Turrif sherifdom of Aberdeen and regality of Slains belonging to Charles Earl of Erroll one thereof to begin upon the last Tuesday of March to be called Saint Anns fair and the other on the first Tuesday of December to be called Saint Johns fair and each to continue four dayes And granting to the said Earl his heirs and succesors &c.

ACT appointing a weekly mercat to be keept in all time comeing at the Kirk of Denny in the shire of Stirling and belonging to John Earl of Wigtoun upon every Wednesday and four fairs to be holden at the same place yearly in all time comeing one thereof upon the last Wednesday of April another upon the twenty second of June another upon the fourth of August and the other on the fifth of November And also appointing two fairs to be keept yearly in all time comeing at the New toun of Cumbernald lying in the said shire and belonging to the said Earl, one thereof upon the first Friday of February and the other on the twenty ninth of October And granting to the said Earl his heirs and succesors the right and priviledge of keeping the said weekly mercat & yearly fairs at the said respective places for all kinds of merchandice with all the tolls &c.

ACT appointing three fairs to be keept yearly in all time comeing at & upon the west end of the foot of the hill of Tyrebagger which is a part of the lands & barony of Caskiebend lying in the shire of Aberdeen and belonging to Sir John Johnstoun of Caskiebend one thereof upon the Tuesday immediatly preceeding Esther to be called Pasch fair another upon the first Tuesday of July to be called Martin-Bulzeon fair and the other upon the third Thursday of August to be called Tyrebagger fair And granting &c.

ACT appointing a mercat to be keept on Tuesday weekly in all time comeing at the Toun of Inueresk lying in the shire of Edinburgh & belonging to Sir Robert Dickson of Inueresk And also two fairs to be holden yearly therat One thereof to begin upon the second Tuesday of July and the other upon the first Wednesday of October And each of them to continue from the respective dayes of their beginning to the Saturday of that week And granting to the said Sir Robert his heirs and succesors &c.

ACT appointing a weekly mercat to be keept every Tuesday in all time comeing within the Burgh of Barony of Saint Mineans and Newwark in the shire of [Fife] and belonging to Sir Alexander Anstruther of Newwark and that in place of the weekly mercat formerly appointed to be holden there on Friday and also appointing two fairs to be keept within the said Burgh yearly in all time comeing one upon the second Tuesday of July and the other on the second Tuesday of September And granting &c.

ACT appointing a mercat to be keept weekly upon Wednesday in all time comeing at the Clachan of Fintry in the shire of Stirling and belonging to John Naper of Culcreoch, And two fairs to be holden there yearly in all time comeing one upon the last Thursday of June and the other upon the second Thursday of December And granting &c.

ACT appointing a mercat to be keept weekly upon Thursday and two fairs to be holden yearly One upon the first Tuesday of July and the other upon the second Tuesday of October in all time comeing at the Burgh of Anstruther Wester and that in place of the weekly mercat formerly appointed to be holden there on Sabath and of the yearly fairs one in March and the other in December formerly keept at the said Burgh, And granting to the Magistrats and Council of the foresaid Burgh and their succesors in office for the behoove of the Community thereof the right and priviledge of keeping the said weekly mercat and yearly fairs on the said respective dayes for all kinds of merchandice in place of the said other mercat and fairs formerly held at the said Burgh in manner abovementioned With all the tolls &c.

ACT appointing a mercat to be keept weekly upon Thursday and two fairs yearly one thereof to begin upon the second Tuesday of October to be called Saint John's fair and the other to begin on the second Tuesday of August to be called Saint Peters fair and each of them to continue three dayes in all time comeing at the Kirktoun of Fyvie in the shire of Aberdeen and at that part thereof which belongs to the Maines of Fyvie whereof two third parts pertain to John Marques of Tweeddale and the other third part to Jean Countes of Dumfermling in liferent and to the heirs and donators of Dumfermling in fie And granting to the said John Marques of Tweeddale his heirs and succesors and to the said Countes and heirs and donators of Dumfermling in liferent and fie respective the right and priviledge of keeping the said weekly mercat & yearly fairs for all kinds of merchandice And giveing to the said Marques and his foresaids two third parts and to the said Countes in liferent and to the foresaid heirs & donators of Dumfermling in fie the other third part of all the tolls customes &c.

ACT appointing a mercat to be keept weekly on Friday and two fairs yearly one upon the last Tuesday of March and the other on the last Tuesday of September in all time comeing to be holden at the toun of Currie in the Barony of Riccartoun and shire of Edinburgh & belonging to Robert Craig of Riccartoun And granting to him his heirs and succesors &c.

ACT appointing two fairs one upon the first Tuesday of December and the other on the last Tuesday of January to be holden yearly in all time comeing at & within the Burgh of Stirling And granting to the Magistrats and Council of the said Burgh and their succesors in office for the behoove of the community of the same the right and priviledge of keeping the said fairs &c.

ACT appointing a new fair to be holden yearly in all time comeing upon the twenty ninth day of July at the toun of Doning in the shire of [Perth] & belonging to Robert Lord Rollo And granting to him his heirs and succesors &c.

ACT appointing three fairs to be keept yearly in all time comeing one thereof to begin on the last Tuesday of July another to begin on the eighteenth day of October and the other to begin on the fourteenth of April and each of them to continue two dayes And a mercat weekly on Tuesday in all time comeing at the Kirktoun of Muth-hill in the Steuartry of Strathern & shire of Perth and belonging to John Drummond of Pitkellony And granting &c.

ACT appointing a mercat to be keept weekly on Thursday in all time comeing at the Toun of Ludquhairn in the shire of Aberdeen belonging to Alexander Forbes of Ludquhairn and granting to him his heirs and succesors the right and priviledge of keeping the said weekly mercat for all kinds of merchandice With all the tolls customes & casualities thereof and all other liberties & advantadges used and wont to belong to any haveing the priviledge of keeping weekly mercats within this Kingdom.

ACT appointing a weekly mercat on Wednesday in all time comeing to be keept at the Toun of Kincardine-Oneil in the

ſhire of Aberdeen belonging to Sir Robert Forbes Advocat And that in place of the mercat formerly holden there every Friday And granting &c.

ACT appointing two fairs yearly one upon the first Tuesday of July & the other on the ſecond Thursday of November to be keept in all time comeing upon the Lands & Barony of Balquidrock in the ſhire of Stirling & belonging to John Murray of Touchaddam And granting to him his heirs and ſucceſsors &c.

ACT appointing two new fairs to be keept and holden yearly in all time comeing one upon the third Tuesday of Auguſt & the other on the ſecond Tuesday of October at the Burgh of Barony of Glenluce in the ſhire of Wigtoun and belonging to John Earl of Stair And granting &c. without prejudice of the other fairs formerly appointed to be keept at the ſaid Burgh And allowing and impowering the ſaid Earl and his foreſaids to Change the place of Execution & Gibbet from the Abbay of Glenluce And to erect and continue the ſame near the tolbuith of the ſaid Burgh.

ACT appointing two fairs to be keept yearly in all time comeing one upon the third Tueſday of January and the other upon the ſecond Tuesday of October at the Kirktoun of Weem in the ſhire of Perth belonging to Sir Alexander Meinzies of that Ilk and another fair to be holden yearly in all time comeing upon the laſt Tuesday of May at the Toun of Dull in the ſaid ſhire and belonging to the ſaid Sir Alexander And granting &c.

ACT appointing two fairs to be kept yearly in all time comeing one upon the first Tuesday of April and the other on the first Tuesday of September at the Croſs-toun of Aberlemno in the ſhire of Forfar and belonging to Sir Alexander Murray of Melgum And granting &c.

ACT appointing two fairs one upon the third Tuesday of May and the other upon the third Tuesday of September to be kept yearly in all time comeing at the Toun of Lochgellie in the ſhire of Fyfe and belonging to Miſtreſs Griſsell Kininmonth of that Ilk And granting to her her heirs and ſucceſsors and the ſaid Sir Alexander Murray of Melgum her huſband for his intereſt the right and priviledge of keeping the ſaid fairs &c.

ACT appointing two fairs yearly to be keept in all time comeing one thereof to begin upon the first Tuesday of April to be called and the other to begin on the thirteenth of October to be called and each of them to continue two dayes and a weekly mercat to be holden in all time comeing on every Tuesday upon the Common-green of Monzie in the ſhire of [Perth] and belonging to Patrick Campbell of Monzie And granting to him his heirs and ſucceſsors &c.

ACT appointing four fairs to be keept yearly in all time comeing one thereof to begin on the fifeteenth day of May another on the twenty ſecond of July another on Michaelmaſs day and the other to begin on the twentieth day of October And each of them to continue two dayes And a weekly mercat to be keept in all time comeing every Tuesday at the toun of Kilmichael in Glaſsrie lying in the ſhire of Argyll and belonging to Sir James Campbell of Auchinbreck And granting &c.

ACT appointing four fairs to be keept and holden yearly in all time comeing one thereof to begin upon the tenth day of May another to begin on the sixteenth day of July another to begin upon the nineteenth of August and the other to begin upon the sixteenth day of October and each of them to continue two dayes and a weekly mercat to be holden in all time comeing every Tuesday at the toun of East Tarbet in the ſhire of Argyll belonging to Archbald Mackalester of Tarbet And granting &c.

ACT appointing a mercat to be holden weekly on Tuesday and four fairs yearly in all time comeing to be keept one upon the twelvth day of February another on the eleventh day of June another on the twenty ſecond day of August and the other on the ſecond day of November at the East craigs of Ogilface lying within the paroch of Torphichen and ſhire of Linlithgow and belonging to Alexander Livingſtoun of Badlormie And granting &c.

ACT appointing two fairs one upon the firſt Tuesday of July to be called Saint Margaret's fair and the other on the first Thursday of November to be called William's fair to be holden yearly in all time comeing upon the lands of Swanfoord within the lands of Greens in the parochine of Monquheter and ſhire of Aberdeen belonging to Sir Samuel Forbes of Foveran, And granting &c.

ACT appointing two fairs to be keept yearly in all time comeing one thereof to begin on the firſt Wednesday of May and the other to begin the third Wednesday of November and each of them to continue two dayes And a mercat weekly on Wednesday at the toun of Dycke in the ſhire of Elgin & Forres & belonging to James Broddie of that Ilk And granting to him his heirs and ſucceſsors &c.

Edinb. 14. Septr 1705.
The within Acts for Faires & Mercats read & paſt in Parliament.
SEAFIELD Cancellar. I. P. D. P.]

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THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Tuesday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 18, 1705.

PRAYERS ſaid Rolls called.

MINUTS of the laſt Sederunt read.

THE Article of the Report of the Commiſsion for Publick Accounts relateing to the Lord Belheavens tack of Excyſe from September 1695 to March 1697 read Petition for the Lord Belheaven and his partners read, Petition for George McKenzie one of the Lord Balheavens ſubtacksmen read, The Parliament haveing considered the petition given in by Balheaven and his partners with the Report of the Commiſsion They find that the Sum of 17181 pound 11 ß 7 d Sterling was never payed in by the Countrey to the ſaid tacksmen or subtacksmen, Therefore they Diſcharge them and the Countrey of the ſaid Sum in the Terms of the Deliverance of Parliament upon their Petition.

MOVED that the principal tacksmen be Diſcharged of the Sum of 526 Lb 11 ß 10 d Sterling uplifted by them, and not yet compted for And after debait it was put to the vote Diſcharge the tacksmen of the ſaid Sum or Not & carried Diſcharge.

THEN the Parliament haveing conſidered George McKenzies Petition they Decern & Ordain the Sums in the hands of Thomas Bethune of Tarvite and William Bernard two Sub collectors of that Excyſe to be payed in to him in the terms of the deliverance of Parliament upon his petition & the ſaid George McKenzie further Recommended to her Majesty for his ſuperplus loſses mentioned in his petition.

THE article of the Report of the ſaid Commiſsion relateing to the Duke of Queensberries bond lying in the Thesaury read, Petition for his Grace alſo read Craveing to be free of annual-

rents of the ſaid bond and Compenſation of the principal Sum he being Creditor to the publick in far greater ſums And the Parliament haveing conſidered the ſaid Report with the petition they Grant the deſyre therof in the terms of the deliverance of Parliament upon the ſaid petition.

ARTICLE of the Report of the Commiſsion relateing to the bond of 853 Lb. two ſhillings Sterling Granted by the late Duke of Argyle to the Lords of Thesaury read And her Majestys high Commiſsioner and the Eſtates of Parliament haveing conſidered the Report with the following Letter directed by her Majesty to the Lords of Theſaury & bond itself which is in theſe terms " That if betwixt & the 15 of September 1696 & the firſt day of Aprile nixt therafter his Grace did not procure & deliver to the ſaids Lords his Majestys warrand for delivering up to his Grace the ſaid Bond without Repayment of the ſaid ſum Then he obleidged himſelf his airs & Succeſſors to Pay & Refound the same And his Grace haveing obtained her Majestys Letter of the dait the tuenty fourth of February 1703 authorizeing & requyreing the ſaids Lords to ſtate the account of arrears due to his Grace of pay & cloathing & to deliver up to the ſaid Duke the ſaid Bond of 853 Lib. 2 ß Sterling & to take his Recept as ſo much payed to him on account of his ſaid arrears of pay and cloathing" Therefore they Recommended to the Lords of Theſaurie to give up and diſcharge the ſaid Bond upon their getting a valid Diſcharge of the ſoume of 853 Lib. 2 ſhillings Sterling as a pairt of the Arrears due to the ſaid deceaſt Duke of Argyle.

THE Article of the Report of the Commiſsion relateing to the Hearth Money collected by the deceaſt Laird of Caſsingray read considered & approven by the Parliament & Recommended to the Lords of Theſaury who are hereby authorized to Diſcharge the heirs of the ſaid Caſsingray & to give up the Bond wherein he & his Cautioner ſtand bound for the ſaid Hearth Money.

ARTICLE of the Report of the Commiſsion relateing to Sir Alexr Bruce of Broomhall and partners their advances to the Army upon the accounts mentioned in the Report Petition for the ſaid Sir Alexr Bruce read And the Parliament haveing Conſidered the ſaid Report with the petition they find the petitioner Creditor to the publick in the ſums and manner contained in the Deliverance of Parliament upon the ſaid petition.

MOVED that a gratuity ſhould be given to the members of the Commiſsion of Parliament viz. the Earle of Dunmore Mr William Seaton Mr John Clark Mr Dougall Stewart & Mr Robert Fraſer for their pains & attendance in Auditing and Examineing the Publick Accounts since the laſt Seſsion of Parliament Agreed to that each of the forenamed perſones ſhall have 200 Lib. Sterling payed to them for their ſaid pains & attendance & that out of any sure fond as the ſame ſhall hereafter occur.

AGREED lykewayes that Walter Riddell Clerk to the ſaid Commiſsion for his pains and attendance on the ſaid Committie ſhall have 50 Lib. Sterling payed to him.

MOVED that in regard no ſure fond does at preſent appear out of which the abovenamed perſones can Receive readie payment of their respective ſums That therefore the Eſtates of Parliament ſhould Recommend them to her Majesty that ſhe may order the ſaids payments in the way & manner her Royall wiſdome ſhall judge moſt proper Which motion was agreed to accordingly.

AGREED that the Article of the Report of the Commiſsion relateing to the Pole Money collected by Ferguslie and the petition given in by George Preſton be first under consideration nixt Sederunt of Parliament.

THE Article of the Report of the Commiſsion relateing to Major James Cunninghame of Aiket read Petition for the ſaid Major James Cunninghame alſo read and he preferred to a certain Sum as contained in the Deliverance of Parliament upon his petition.

THE Article of the Report of the Commiſsion anent Sir George Hamilton late Commiſsar of the army read Petition for the ſaid Sir George alſo read and he Recommended to the Lords of Theſaurie as contained in the Deliverance of Parliament upon his petition.

THE Article of the Report of the Commiſsion relateing to John Campbell of Knockrioch & partners their Collection of the Pole 1695 read Petition for the ſaid John Campbell & partners alſo read & he Recommended to the Lords of Theſaury as contained in the Deliverance of Parliament upon his petition.

PETITION for Mr Charles Campbell read & a fiſt of perſonal execution granted to him in the terms of the Deliverance of Parliament upon his ſaid petition.

ARTICLE of the Report of the Commiſsion relateing to John Drummond & James Dunlop late General Receavers read Petition for them alſo read & they Recommended to the Lords of Theſaury for the ends contained in the Deliverance of Parliament upon their petition.

ARTICLE of the Report of the Commiſsion relateing to Captain John Slezer read Petition for the ſaid Captain also read & he Recommended to the Lords of Thesaury in the terms of the Deliverance of Parliament upon his petition and that part of the petition Craveing a fiſt of perſonal execution ordained to be ſeen & anſwered by his Creditors againſt the nixt Sederunt.

RATIFICATION in favours of Biſset of Leſſindrum read.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner Adjourned the Parliament till Fryday nixt at ten a cloak.

SEAFIELD Cancellar. I. P. D. P.

September 21, 1705.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

THE following Acts viz. Act Diſchargeing the Importation of Ingliſh Iriſh & Forreign Butter & Cheeſe, Act for advanceing the Fiſching trade in & about this kingdom, Act Appoynting a Council of Trade, Act for a Treatie with England, Act for the Encouraging the Exportation of Beef and Pork, Act declairing Linnen and Woollen Manufactory free of Duty at Exportation, Act for the Supply, Act in favors of the Toun of Glaſgow, Act in favours of Mrs Jean Ramsay all touched with the Scepter by her Majesties high Comiſsioner in the uſual manner.

ACT Salvo Jure Cujuslibet read voted & approven & touched with the Scepter by her Majesties high Commiſsioner.

THEREAFTER his Grace My Lord Commiſsioner made a ſpeech to the Parliament.

THEN the Lord Chancellor by order of her Majesties high Commiſsioner adjourned the Parliament to meet at Edinburgh the twenty day of December nixt & Declairs the ſame to be Adjourned.

SEAFIELD Cancellar. I. P. D. P.

PROCEEDINGS IN THE PARLIAMENT OF QUEEN ANNE, HOLDEN AND BEGUN AT EDINBURGH, OCTOBER III, M.DCC.VI.

III OCTOBRIS, M.DCC.VI.

THE Speech of his Grace James Duke of Queenſberry, Her Majeſties High Commiſſioner, to the Parliament of Scotland, on Thurſday the Third of October 1706.

My Lords and Gentlemen,

HER Majeſty, by Her Gracious Letter, has acquainted You, That the Treaty of Union, between the Kingdoms of Scotland and England (purſuant to an Act made in Your laſt Seſſion) has been happily Agreed on, which is now in my Lord Regiſters Hands, ready to be laid before You.

The Lords Commiſſioners, for this Kingdom, have been Diligent and Zealous in Concerting Juſt and Reaſonable Terms; and, it muſt be acknowledged, We met with a very Fair and Friendly Diſpoſition in the Lords Commiſſioners on the other Part.

The Treaty has, with all Humility, been preſented to the Queen, and was moſt Graciouſly Received; and tho' no Reign was ever ſo truly Great, for Wiſe and Steady Councils, and ſo many Important Succeſſes, as that of Her Majeſty; yet, You ſee, She is pleaſed to Eſteem the Perfecting of this Union, as the greateſt Glory of Her Reign, being the moſt ſolid Foundation of a laſting Security to the Proteſtant Religion, and the Liberties of Europe, and of Peace and Happineſs to Her People.

Theſe Reaſons, I doubt not, will make the Treaty acceptable to You; And I perſwade my ſelf that You will Proceed with ſuch Calmneſs and Impartiality, as the Weight of the Subject Requires, and as becomes ſo great an Aſſembly.

The Lords Commiſſioners for both Kingdoms were Limited in the Matter of Church Government; For the Security of Presbyterian Government in this Church, you have the Laws already made for its Eſtabliſhment, the Queens Repeated Aſſurances to preſerve it, and I am Impowered to Conſent to what may be further neceſſary after the Union.

Her Majeſty has been pleaſed to Recommend to You to make Proviſion for the Forces, Ships and Garriſons, which is very neceſſary, the Subſidies granted at Your laſt Meeting being run out; ſo, I doubt not, You will ſpeedily renew them.

My Lords and Gentlemen,

I am not inſenſible of the Difficulties that attend the Weighty Character, it has pleaſed Her Majeſty to Honour me with, but with Your favourable Aſſiſtance, (upon which I very much rely) I hope, by my Zeal and Fidelity for Her Majeſties Service, and the Good of my Countrey, which are inſeparable, to Diſcharge my Duty on this extraordinary occaſion.

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THE Speech of James Earl of Seafield Lord High Chancellor, to the Parliament of Scotland, on Thurſday the 3d. of October 1706.

My Lords and Gentlemen,

IT hath been, and is the great Happineſs of this Nation, That the Queen Our Soveraign, hath always made it the chief Deſign of Her Reign, to protect her Subjects in the Enjoyment of all their Rights and Privileges, to Promove their Good, and to Eſtabliſh their Peace and Proſperity, upon ſure and laſting Foundations.

For theſe ends, Her Majeſty, in Her moſt Gracious Letter, doth, with great Earneſtneſs, Recommend to You the Concluding of the Union of the Two Kingdoms, and has plainly and fully laid before you the great Advantages that this Union muſt bring with it to all Britain, and in particular to this Kingdom.

The Lords Commiſſioners named by Her Majeſty for this Kingdom to Treat of this Union, have endeavoured to Diſcharge this great Truſt, with all Fidelity, and have agreed to ſuch Terms and Conditions, as, I hope, ſhall be found Juſt, Honourable, and Advantageous: The Treaty has been already Received very graciouſly by Her Majeſty, and is now ready to be Reported to you for your Conſideration.

I do not think it proper at this Time to deſcend into the particular Articles of the Treaty; I ſhall only beg leave to ſay in General, That it muſt be of great Advantage to have this whole Iſland Unite under one Government, and Conjoyned entirely in Intereſt and Affection, having Equality of all Rights and Privileges, with a free Communication and Intercourſe of Trade, which muſt certainly Eſtabliſh Our Security, Augment Our Strength, and Increaſe Our Trade and Riches.

We can never Expect a more favourable Juncture for Compleating this Union, than at preſent, when Her Majeſty has not only Recommended it, but Declared, That ſhe will Eſteem it the greateſt Glory of Her Reign, to have it Perfected; And when the Parliament of England has ſhown Their Inclinations for it, by Removing all theſe Obſtacles that did ly in the way of the Treaty: And it muſt alſo be acknowledged that the Lords Commiſſioners for England did Teſtify their good Diſpoſition all along in this Affair: And the Great and Glorious Succeſſes wherewith God has Bleſſed Her Majeſties Arms, and thoſe of Her Allies, give us the Hope of a Near and Advantageous Peace, whereby we will be put in the Poſſeſſion, and attain to the full Enjoyment of all the Liberties and Priveleges of Trade, now offered by the Treaty.

The Commiſſioners of both Sides, have only Treated of ſuch Things as concern the Civil Government, Liberties, Privileges, Trade, and Taxes; but found themſelves Limited as to the Church-Government, that being Reſerved to each Kingdom by

the reſpective Acts of Parliament, upon which the Treaty proceeded; And you have now not only the Laws already made, with Her Majeſties moſt Gracious Repeated Aſſurances, for maintaining and continuing Presbyterian Church-Government within this Kingdom; But this further Opportunity of making ſuch Conditions and Proviſions, as ſhall be found neceſſary for its Security, after the Concluſion of this Union, within the Limits of Scotland.

Her Majeſty Recommends to You to Provide the neceſſary Supplies for the Troops, Garriſons and Ships; The Funds formerly given are expyred; And therefore I doubt not but you will eaſily Comply with what is ſo plainly neceſſary for the Preſervation of the Publick Safety, and Preventing the Deſigns of Enemies now in time of War.

My Lords and Gentlemen,

Since We have now the Opportunity of Eſtabliſhing for Our Selves and Our Poſterity, by this Union with England, all that concerns Our Religion and Liberties, together with the moſt valuable Privileges of Trade; I am hopeful that You will Proceed to the Conſideration of the Articles of the Treaty, in ſuch manner as ſhall bring it to the deſired Concluſion, and it cannot but tend to the laſting Honour of this Seſſion of Parliament to have ſo happily finiſhed this moſt Important and Weighty Matter.

IV JANUARII, M.DCC.VII.

PROTECTION in favours of John Henry Huguetan.

UNTO His Grace Her Majeſties high Commiſsioner and the Right Honlt the Eſtates of Parliament

The Petition of John Henry Huguetan & Captain John Aitkine his factor,

Humblie Sheweth

THAT being a native of France & Proteſtant I retired from my Countrey on account of the perſecutione.

That being settled at Amſterdam befor the war I entred in Commerce with Mr Bernard Bankier for the Court of France and I as many other Bankiers there furniſhed conſiderable ſums for payeing of the French troops in Flanders.

That when this war broke out & the Correſpondence betuixt France & Holland was interrupted I had conſiderable effects in France which I could not draw from thence to Holland And I did therfor tranſport my self to Geneva a neutrall place but was engadged to pay the French armies in Flanders & Italy and to advance very great sums to the French in Bavaria.

That when the sums furnished by me in specie amounted to many millions the Thesaury of France pretended not to pay my bills at the value of French money as it was current at the tyme of the advance but at the tyme the same was after the cryeing up of the Lowis d'ors from 12 liß 10. to 15 liß and in bills having no ready payment without conſideration of intereſt for the delay which in so great a sum made a very extraordinar difference.

That upon theſe and other reaſons I acquanted a miniſter of France that I could no longer serve unleſs juſtice were done me Whereupon the Envoy of France at Geneva did from Monſr de Chamilard invite me to come to Paris where I ſhould receive satiſfactione in every particular & entreated me in the mean tyme to continue in the payeing of the armies.

That relyeing on theſe promiſes I did advance severall millions to the armies in Flanders & Italy and went to Paris but being arrived there in place of performance of what had been promiſed to me I was put under guard and forced for obtaining my liberty to enter into such contracts & submit to ſuch conditions as were preſcribed to me.

Theſe and many other subſtantiall hardſhips put upon me were the cauſe of my flyeing with the perill of my life a few dayes befor I was to have been arreſted of new; but my eſcape and the cauſes and effects of it have made ſuch a noiſe & are so notour I have only touched it as ſhort as I could.

That being now reſolved to ſettle, & follow trade as I have done for about 30 years I could find no place more lykelie where to improve my fortune than Scotland by reason of its situatione & naturall advantages for trade And I intend (God willing) to tranſport my self and my effects to this Kingdome which after the experience I have had of the different subjects of commerce & manners of trading in moſt places of buſines in the world may not only prove ane advantage to me but to many others.

To this end it is neceſsary for me that I and my airs should be naturalized subjects of this Kingdome and the knowen circumſtances of my affairs make it alſo needfull that I ſhould have a Protectione for my persone and eſtate againſt my Creditors, and pretended creditors for debts contracted before my laſt retreat out of France which was in Aprile 1705 years Excepting such Creditors & debts if any be contracted to the Subjects of any of her Majeſties Dominions which I humblie propoſe not in any sort to prejudge my juſt & lawfull Creditors but to avoid the dilligence and diſquiet to which I muſt be expoſed on account of Bills Notes Precepts and Contracts extorted from me which circulat and may be induſtriously put in privat hands to perſecute me Nor should I have given your Lord ips this trowble tho it be naturall for any ſtate to protect againſt ane Enemy if my wrongs were not manifeſt; and if I did not judge it suteable to the juſtice & goodnes of the High Court of Parliament to releeve the diſtreſsed at leaſt so far that I may have a free breathing tyme to convince even my perſecutors of the wrongs they have done me and to settle again my affairs which in ſuch violent shocks as I have undergone muſt needs have been diſordered.

May it therfor pleas yor Grace and the High & Honorable the Eſtates of Parliament by way of Act to naturalize me and my heirs whatſomever Subjects of this Kingdome in the sureſt and beſt forme & with all priviledges therto belonging And alſo to Grant Protectione to my Perſone Goods and Eſtate heretable & moveable againſt such creditors and the effect & diligence on ſuch debts as have been contracted befor my said laſt retreat from France which was in Aprile 1705 years excepting such Creditors and debts as have been contracted to any of the ſubjects of Her Majeſties Dominions. Jo: Aitkine.

Edr Decr 12. 1706.

Her Majeſties high Commiſsioner and the Eſtates of Parliament having heard this Petition They delay the Conſideration of what is pin repreſented till the firſt Sederunt of Parliament on privat buſineſs to be then taken into Conſideration nixt after the Act in favours of the burgh of Dundee.

SEAFIELD Cancellar. I. P. D. P.

Edr 4th Jar 1707.

Her Majeſties high Commiſsioner and the Eſtates of Parliament having again Conſidered this Petition They for the better enabling the petitioner to reeſtabliſh his affairs and ſatiſfie his juſt debts Grant protection to his perſon for ſeven years As alſo Grant protection for the ſpace forſaid to the petitioners goods and eſtate heretable and movable againſt diligence at the inſtance of Creditors for ſuch debts as have been Contracted before Aprile One thowſand ſeven hundered and fyve years excepting ſuch debts as have been Contracted to any of the ſubjects of her Majeſties dominions or ſuch debts as have been originally contracted to the ſubjects of her Majeſties Allies or which ſhall be made appear by the creditors before the Judge ordinar to have been transferred to them bona fide and for adequat onerous cauſes before the twelvt of December laſt Provyding allwiſe the Petitioner reſide within this Kingdome during the time of the ſd Protections.

SEAFIELD Cancellar. I. P. D. P.

.....

PETITION of the Heretors and Tradesmen of the Burgh of the Cannongate

UNTO his Grace, James Duke of Queensberry, her Majesties High Commissioner, and the Honourable Estates of Parliament,

The Heretors and Tradesmen of the Burgh of the Cannongate,

Humbly Sheweth,

THAT Cannongate being a Burgh of Barronie and Regalitie, long since erected in favours of the Baron of Brughtoun, when all the supplies given to the Publick, were lifted by Taxation, conform to the old extent of Lands.

The Town of Edinburgh having purchased the Superioritie and Right from the Barronie of Brughtoun, before the Valuation of the Kingdom was stated, They prevailled, That the Cannongate, as a part of their Bargal Lands, should not be valued with the Shire, but should bear a part with them of their Proportion of 100 lib. Scots, which is the Quota, whereby the Burrows proportion among themselves, the sixt part of the Cess of the Kingdom.

This we do not grudge, and long after the Valuation was stated, the Town was so tender to us, That we only payed according to the Valuation of our Houses, which was much about the same, as if we had been valued and payed with the Shire; But of late, though our Houses be all valued as theirs, and that we pay according to that Valuation: Yet the Sum imposed by them upon us, exceeds what arises from the Valuation, which we are obliged to impose upon ourselves, and make up; Whereas we partake of no share of their priviledge; Having neither Liberties of Import nor Export, nor vending any Staple Commodities, though bought from free Burgesses; but only of retail in minut quantities and values, such as Packmen do. And though we be called the Burgh of Cannongate, the South part thereof be west St. John Cross, bears no part of this Burthen, but gives a separate relief to the Town; by reason of the Supream Judicatory being held at Edinburgh, and the Court at Holyroodhouse. The head Quarter of the Army is still in the Cannongate, whereby we are put to a great Annual Charge in Quartering of the Souldiers, and by their taking up Inns, and their paying no part of our Burthen to a daylie prejudice.

For Remeid of which, We humbly represent to your Grace and Honourable Estates, That since the Cesses of Scotland after the Union are to be continued and fixed conform to the present manner of Payment: By the Valuation, That the Canongate may be Valued, as are the Westport and Potteraw, belonging likeways to the Town of Edinburgh in the same manner, as Superiours; And that conform to that Valuation, We may know our punctual Sum to be Payed, and not be left to the arbitriment of the annually changed Magistrates to height us at their Pleasure, whereby the Town will be secured, and our Jealousies and Fears removed.

May it therefore please your Grace, and Honourable Estates of Parliament, to Remit to the Commissioners of Supply for the Shire of Mid Lothian, to Value our Tenements and Yards; and to set down a Stated Valuation thereof; (with regard to necessary Reparations, Hazards of Fire, Dead, Wast and Poor) That conform to the Valuation we may pay in to the Good Town for their Relief of their Proportion of the Cess, as much as the like Valuation Pays in the Shire. And your Petitioners shall ever Pray, &c.

Edinb. 4 Jan^{ry} 1707.

Her Maties high Commissioner and the Estates of Parlia^{t} haveing considered this petitione ordain the Mag^{rats} of the Toun of Ed^{r} to sie & ans^{r} the same ag^{t} the first day for privat busenes.

SEAFIELD Cancellar. I. P. D. P.

XII FEBRUARII, M.DCC.VII.

ACT in favours of the Earl of Melvill.

UNTO his Grace her Maiesties high Commissioner And the right honourable the Estates of Parliament

The petition of George Earle of Melvill

Sheweth

THAT the petitioner being made Secretary of State upon their Majesties K W^{m} & Q Maries accession to the Croun which was in the year 1689 The Commissions to the Regiments which wer then Levied wer Counterfigned by me But for expediting of ther Majesties service And in Consideration of the Circumstances of many of the officers, whom it would very much have straitned to made ther eqwipage and pay the dues of ther Commissions at once The funds being at that time disproportioned to the forces then raised and keept on foot that it was hard to advance subsistance I did therfor allow the signet keeper and such as did for me in Scotland To give out the Commissions of the severall Regiments without payeing ready money upon oblidgements in wryteing given for the dues signed by the officers to whom the Commissions wer delivered, Whereby the saids officers wer bound that the same should be payed out of the first pay or arrears due or to be due to ther severall Regiments and Companies.

In lykemaner in the year 1690 whilst I had the honour to Represent ther then Majesties as Commissioner to the Parliament I did advance out of my own money £260 Sterl: for subsisting some of the troops for which I took bond from the Commanding officers payable out of the first pay or arreirs due or to be due to these forces.

The great deficience of the funds, And the distress which the officers for want of ther pay fell under have been the Cause why I have not Insisted for Recovering what was so justly due to me and have suffered the saids officers to Intromett with some pairt of ther arreirs and pay when it may easily be presumed that I might have obtained Justice for my selfe But now that ther is probabilitie for paying up all or a Considerable pairt, at leist of the arrears due to the armie I hop all men will think it most Reasonable that the fies for the Commissions which are the very titles the officers have for ther pay & arrears and the money advanced to the forces so seasonablie, and out of tendernes delayed, should now be payed And that out of the first & readiest.

May it Therefor pleas your grace and Lordships to declare and ordain that the obligations granted in wryting in maner forsaid payable out of the first and readiest of the pay and arrears due then or to be due to the severall Regiments, Troops and Companies be accordingly preferred and payed to me my heirs or assigneyes out of the first of the soumes to be payed to the s^{ds} Regiments Troops & Companies and your petitioner shall ever pray.

Ed^{r} 12 Feb^{ry} 1707.

Her Majesties high Commissioner and the Estates of Parliament haveing considered this petition they grant the desyre therof.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of the Six Clerks of Session.

TO His Grace Her Majesties High Commissioner and the Right Honorable The Estates of Parliament

The Representation of Sr James Dalrymple Mr John McKenzie, Alexander Gibson Sr James Justice Mr Ro^{t} Alexander and James Hamilton the Sex Clerks of Session

Humbly Sheweth

THAT a remuneration be granted to the said Clerks of Session for their extraordinary pains and attendance, in frequent & long

Seſsions of Parliament since the year I^m vj^c^ & ninety which have comonly been holden during the ſitting of Seſsion whereby the profitable part of their Imployment has been conſiderablie diminiſhed, or ſome tyme totally ſuperceeded when the ſummer ſeſsion was adjourned in the years 1693, and 1695, and by partiall adjournments p^r^of in the years 1698 & 1704, and by the adjournments of the Winter ſeſsion for three moneths from the firſt of November 1700, and now for three moneths during the preſent ſeſsion of Parliament Which long ſeſsions of Parliament and adjournments of ſeſsion is ane Emergent damnage for the publick ſervice which never happened to us, nor our predeceſſors in office in former tymes when by the ſitting of the Parliament the ſeſsion was not adjourned.

It is therefore Humbly Conceaved That tuo hundered pounds Starline for each of the ſaid Clerks is a Moderat Remuneration, And It's Hoped Your Grace and Lordſhips will Ordain payment thereof out of ſuch funds as You ſhall think proper.

Ed^r^ 12 Feb^ry^ 1707.

Her Majeſties high Commiſsioner and the Eſtates of Parliament Having Conſidered the within Repreſentation in behalfe of the within named ſix Clerks of ſeſsion They Grant to each of the ſ^ds^ Clerks The ſoume of Tuo hundereth pound ſterling as a Remuneration for p^r^ bygone ſervices in attending the Parliament and Loſses ſuſteaned by them throw the frequent interruptions of the ſitting of the ſeſsion And declare That before ending this ſeſsion of Parliament They will determin the Maner of payment p^r^of.

SEAFIELD Cancellar. I. P. D. P.

XVII FEBRUARII, M.DCC.VII.

OVERTURE of ane Act concerning Chirurgeons and Apothecarys in Edinburgh.

OUR^e^Sovereign Lady with advyce and conſent of the Eſtates of Parliament Ratifyes & confirms the rights & priviledges of the Chirurgeons and Apothecarys in Edinburgh As also Statutes & Declares That hereafter there ſhall be no reſtraint upon the Leidges of being ſerved by them in medicines without calling Phyſicians when the Imployers refuſe to call any Prohibiting & Diſcharging any proſecution of the ſaids Chyrurgeons and Apothecaries on the forſaid account Without prejudice to their being lyable for unſkillfull practice therein as accords.

17 Feb^ry^ 1707.

Read in Parl^t^ & a firſt reading ordered to be marked p^r^upon & it was ordered to be printed before a ſecond reading.

XX FEBRUARII, M.DCC.VII.

PROCEEDINGS in Proceſs Sir Thomas Dalȝiell of Binns *against* The Laird and Lady Caldwell.

(1) Summonds Sir Thomas Dalȝiell ag^t^ Lady Caldwell & others

ANNE by the Grace of God Queen of Great Britain France and Ireland Defender of the faith To Our Lovits

Macers or Meſsengers at Arms Our Sherriffs in that part conjunctly and severally specially constitute Greeting Forasmuch as It is humbly meant and ſhowen to us by Our Lovit Sir Thomas Dalȝiell of Binns Barronet That where The Lords of Counſell and Seſsion by diverſe and sundry Interloq^rs^ pronounced in the proceſs purſued at the Inſtance of Barbara Cuninghame Lady Caldwell elder and Barbara Muire Lady Caldwell younger and John Fairly alias Muire of Caldwell her husband for his Intereſt againſt him and particularly mentioned in the Act of Litis contestation extracted have found him lyable paſsive as Representing Generall Thomas Dalȝiell his Grandfather for his fathers Intromiſsion with the rents of the Eſtate of Caldwell as Factor or Aſsigney by his ſaid Grandfather and by which Interloq^r^ It is found That Generall Dalȝiell's entring into the full poſseſsion of the rents of the ſaid Estate was relevant to Inferr the preſumption that he Continued in the same and uplifted the rents of the ſaid Estate notwithſtanding of his defence of bona fide Intromiſsion founded upon the Generalls Rights ratified by the Parliament and other defences proponed in the proceſs And he Conceiving himſelf wronged by the ſaids Interloq^rs^ did according to the priviledge given him by the Claim of Right proteſt to Us and the Eſtates of Parliament for Remeid of Law as ane Inſtrument taken upon the ſaid Proteſtation on the therty firſt day of July I^m^ vij^c^ and six years in the hands of Andrew Marjoribanks Nottar publick showen to Us does teſtifie And seing The ſaid Complainer is desirous to proſecute his ſaid Proteſtation before Us and the Estates of Parliament Our Will is Herefore And We Charge You that incontinent thir Our Letters seen Ye paſs and in Our Name and Authority laüllie Summond Warn and Charge the saids Barbara Cuninghame Lady Caldwell elder and Barbara Muir Lady Caldwell younger and John Fairlie alias Muire of Caldwell her husband for his Interest and

Clerk to the said Proceſs personallie or at their dwelling places on fourtie eight hours warning if they be within the toun of Ed^r^ and fifteen dayes warning if else where within this Kingdome To Compear before Our High Commiſsioner and the Estates of Parliament at Ed^r^ or where it shall happen them to be for the time the day of next to come in the hour of Cause with Continuàtion of days to Answer at the Instance of the said Complainer That is to say Bringing with them Exhibiting and Producing before Our said Commiſsioner and the Estates of Parliament The foresaid Proceſs haill grounds and Warrands therof Interloq^rs^ and deliverances pronounced p^r^in by the ſ^ds^ Lords of Counsell and Seſsion and to hear and see the points complained of redreſsed and justice adminiſtrate therin And if need beis to hear and ſee all laufull and neceſsar probation led and deduced in the ſaid matter And to give their oaths of verity upon ſuch points as shall not be otherwiſe proven or else show ane reaſonable cause in the contrare with Certificatione to them if they faillȝie our said Commiſsioner and Estates of Parliament will determine therin according to Justice And for the coaſt ſkeath and damnadges the Complainer may any wayes sustain therethrow Attour that ye laüllie Summond Warn and Charge

To Compear before Our said High Commiſsioner and Estates of Parlia^t^ or Committy therof and as Our said High Commiſsioner and Estates of Parlia^t^ shall see Cause to bear leall and suthfast witneſsing in the said matter in sua far as they know or shall be speard at them under all highest pain and Charge that after may follow p^r^upon The which to do We Committ to You and ilk ane of You conlie and ſcallie Our full power by thir Our Letters delivering them be you duely execute and indorsate again to the bearer Given under Our Signet at Ed^r^ the Eight day of Nove^r^ and of Our Reign the fifth year 1706.

Ex deliberatione Dominorum Parliamenti

9th November 1706. Jo. MacKenzie.

Ed^r^ 3 Decem^r^ 1706.

The Defenders called by virtue of this ſummonds and executions by a Maſser at the patent Door of the Parlia^t^ houſe after opening thereof & before the sitting of the Parl^t^ Mr John Spotswood Compearing for the Purſuer & Sir John Fergusson for the Defenders who craved to see.

C c

(2) Minutes & Interlocutor in Parliament Sir Thomas Dalzíell & The Laird & Lady Caldwell

20 Febr 1707.

Mr Thomas Kennedy for the purſr refum'd his Sumonds with the merits of the cauſe & the gñall act reſciſsory in the year 1690 which in as far as concerns the purſr & the pñded reſtitution fell under the act Salvo without any pŧar act in favor of the defer bot what paſt in abſence of the purſr and therfor that the purſr ought to be repon'd agt that ſpeall act and the inſloqr of the Lords of Seſsion finding him lyable for the bygon rents theſe being fructus bona fide percepti et conſumpti without queſtioning in the leaſt the aüty of that gñall act reſciſsory in all time therafter.

Sir John Ferguſon for the defer refum'd the ſtate of the ꝑceſſ & alleat that as the cauſe wes not finally determin'd ſo as to give a legal courſe to a ꝓteſtaon for remede of law ſo this purſr after ꝓnunceing the inſloqr complain'd of apply'd to the Lords by a long petition ꝓponing a great many defences upon which ther wes no definitive ſentence ꝓnunced bot the conſideraon of theſe defences reſerved to the concluſion of the cauſe which being in effect bot an act befor anſr aſsigning a term to prove befor which time ther could regularly have been no ꝓteſtaon for remede of law.

Sir David Dalrymple reply'd that howbeit the inſloqr wer not deciſive yet the Lords of Seſsion being ſtraitn'd by the ſpeall act paſt in abſence as to the bygon rents ther wes no natural remede to be found elſwhere than in Parlt for the læſion the purſr had by the inſloqr And as to the Inſloqr itſelf if it wanted the fundaon of that act of the Parlt in abſence it can never ſubſiſt by the printſs of all the known laws in this or any other civilized nation And wherever ther is a ſpeall act in any other caſe ther is a pŧar exception of it in gremio from the act Salvo &c. which not being in this caſe the Parlt being the natural Judicatory for such redreſse it wes hoped wold not refuſe their Juſtice in ſo obſervable a caſe.

Sir Francis Grant duply'd that where ordinary remedies wer competent the extraordinary ſhould not be allow'd and the inſloqr not being final & deciſive ought not to be conſider'd ſo far as to adhibit the extraordinary remedy of a reduction or review of ſuch an inſloquir ſentence not deciſive of the cauſe by the Eſtates of Parlt 2o This caſe being to be judged in Parlt in their Judicative capacity it is hop'd the eſtates will not ꝓceed therin in their Legiſlative ſo far as to reſcind the ſolemne ſpeall act in favors of the defer for theſe byrun rents.

HER Mäties high Commiſsioner and the Eſtates of Parliamt having adviſ'd the Debate Ordain that notwithstanding the dilatory defence the advots for either pty proceed to their farder debate in the cauſe.

THERAFTER Sir David Dalrymple for the purſr urged that General Dalzíell being creditor to the crown receaved the forfaulted eſtat in queſtion as the juſt paymt of debts & reward of his extraordinary merit ſo that ther is no ground he ſhould be prejudged as to that eſtat any farder than wes neceſsir from the gñall act reſciſsory 2o The Gñall render'd that eſtat ſo very much better by taxing the waird & otherwiſe improving the right of it by his favour & the intereſt he had with the Crown the lauil ſupior that the eſtate reſtor'd is now better to the aire of the family than if all theſe bygon rents were giv'n to the aire without theſe advantages of the new rights.

Ferguſon alleagit that ther being no title of the pñded bona fides after reſcinding the forfaulture & more eſpecially after the pŧar act in favours of the Defers ther can be no pretence for the bona fides itſelf & conſequently theſe rents ought to be reſtor'd to the aire as weel as the eſtat itſelf.

Grant added that the ſpecialitys of the purſrs caſe wer not relevant ſeeing the gñall act can not be deny'd to comprehend the purſrs pŧar caſe & the pŧar act in favor of the Defer puts the caſe beyond all controverſie Likas its weel known that ſuch gñall laws doe alwiſe preponderat all or any pŧar caſes as appears from the gñall act 1661 anent debitor & creditor & that anent the diſchargeing publick debts & bot recently in the caſe of the toun of Aberdeens demanding to be otherwiſe claſs'd as to the choice of the repñtatives of Burghs to the Parlt of Great Britaine And 3io the pŧar act in the defers favors is founded in the expreſse terms of the gñall act reſciſsory.

Dalrymple reply'd that beſids all the former ſpecialitys the purſr wes onlie lyable to the Generall's debt by a diſpoſion of his eſtat with that qualitie & by no law or reaſon at the time of the diſpoſion could the Generall be conſider'd as debitor to the defers in the rents in controverſie 2o The act reſciſsory 1690 does not ſimply reſcind the act of Parlt 1669 anent forfaulturs in abſence bot only reſcinds the forfaulturs in abſence comprehended therin and the rents acclaim'd being percepti et conſumpti befor the act 1690 ther can be no queſtion of his title to found the bonam fidem at the time of uplifting & beſtowing theſe rents ſo that the title being good the time of exacting & expending the rents they muſt for ever remain penes bonæ fidei poſſeſſorem notwithſtanding of the ſupvenient laws wch inſtrupted that bonam fidem for the time to come.

Ferguſon duply'd that no ſuch imply'd quality of the debts due by Generall Dalzell in the diſpoſion to the purſr can import any reſtriction of his being univerſally lyable for all the diſponers debts for which in all equity & juſtice his uplifting theſe rents & applying them to his own ꝑper uſe rendered him & his airs as lyable to reſtore theſe as weel as to reſtore the eſtat itſelf And there can be nothing more expreſs than the repealing of the act 1669 anent forfaulturs in abſence by the act reſciſsory in the year 1690 beſids the ſpeciall act in the defers favours ſo that the act 1669 being taken of the fyle by the act reſciſſory in the 1690 there can no title remain with the purſr or his authors to ſupport the pñded bonam fidem for making his ꝑfit by theſe rents the want of which having neceſsitat the deceaſt Caldwell to contract ſo much debt for his living during the forfaulture to abſolzie the purſr from a juſt reſtituon will in effect be equall to a ſecond forfaulture of thir defenders.

Her Mäties high Cõmiſsioner & the Estates having adviſ'd the ſummonds & execuons ꝓteſtaon & ꝑceſſ befor the Lords of Seſsion and debate with the ſeveral ſpecialities of the purſuers caſe which diſtinguiſh it from other caſes falling under the act Reſciſsory They Abſolzie him from the bygon rents preceeding the term of Mertimeſs Im vjc & eightie eight years.

SEAFIELD Cancellar. I. P. D. P.

(3) Decreet Absolvitor Sir Thomas Dalzíell of Binns agt The Laird & Lady Caldwell

ANENT ꝑe Summonds on ane inſtrument of proteſt for remeid of law raiſed & perſued befor his Grace James Duke of Queenſberry her Mäties high Commiſsioner & ꝑe ryt honorable ꝑe eſtates of Parliät at ꝑe inſtance of Sr Thomas Dalzíell now of Binns baronet agt Barbara Cunninghame Lady Caldwell elder and Barbara Muir Lady Caldwell younger and John Fairly alias Muir of Caldwell her huſband for his intereſt And alſe agt Mr Rot Alexr ane of ꝑe prinll Clks of Seſsion & Alexr Finlaſon ane of ꝑe under Clks ꝑof for ꝑr reẍive intereſts in ꝑe matter underwryten The qlk Summonds maketh mention That where &c. Here to take in the Summons to the will Then say Therfor Ordaining the ſaids defenders to be ſummoned in maner underw'ten And anent ꝑe charge & citation given to ꝑe forenamed perſones defers & to ꝑe ſdt Mr Rot Alexr & Alexr Findlaſon printt & under Clerks for ꝑr reẍive intereſts To have compeared befor his grace her Mäties high Commiſsioner & ꝑe forſd eſtates of Parliät at ane certain day bygone to have anſuered at ꝑe inſtance of ꝑe ſd Sr Thomas Dalzíell of Binns perſuer bringing wt them exhibiting & produceing befor his Grace & ꝑe ſds eſtates ꝑe forſd

proces haill grounds & warrands prof interloqrs & delyverances pronunced pr'in by pe ſds Lords of C, & Seſsion & to have heard & ſeen pe points complained of redreſsed and juſtice adminiſtrate pr'in by his Grace her Mäties high Commiſsioner & eſtates of Parliät & if need bees to have heard & ſeen all laull & neceſsar probation led & deduced in pe ſd matter & to have given pr oaths of verity upon ſuch points as ſhould not be opr'ways proven in maner more fully ment in pe forſd ſummonds raiſed pr'anent & reŭive executions pr'of AT Calling of qch ſummonds after outgiveing pr'of executions of pe ſamen & wrytes produced pr'wt in maner underwritten, ſeing and returning of pe ſamen in maner afterſpēit The ſd Sr Thomas Dalgiell of Binns purſuer Compearing by Sr David Dalrymple Mr Thomas Kennedy & Mr John Spotſwood advocats his prörs who for him produced in preſence of his Grace her Mäties high Commiſsioner & eſtates of Parliät pe forſd inſtrument of proteſt for remeid of law lyt on dated 31 day of July 1706 taken by John Hay of Carruber prör for & in name of pe ſd Sr Thomas conforme to a letter of prörle ſubt be pe ſd Sr Thomas pr'inment dated pe 30 day of pe ſd moneth of July 1706 In preſence of pe Lords of Councill & Seſsion ſitting in judgement at qch tyme pe ſd John Hay prör forſd produced & pr'after delyvered in to pe ſd Mr Rot Alexr prinH Clerk & Clk to the proces purſued befor pe ſds Lords of Seſsion at pe inſtance of pe ſds defers agt pe ſd Sr Thomas Dalgell ane proteſtation for remeid of law ſubt be pe ſd Sr Thomas vpon pe ſd 30 of July laſt importing pt he conceaving himſelf wronged by pe interloqrs of pe ſds Lords of Seſsion pronunced by pm in pe forſd proces purſued agt him & ment in pe act of Litis conteſtation after rehearſed extracted pr'upon qr'by pe ſd Sr Thomas was found lyable paſsivè as repreſenting Generall Thomas Dalgiell his grandfapr for his fapras intromiſsions wt pe rents of Caldwell as factor or aſsigney by his ſd grandfapr and by qch interloqrs and act of Litis conteſtation extracted pr'upon it was found pt pe ſd Generall Dalgiell entering unto pe full intromiſsion & poſseſsion of pe ſd eſtate of Caldwell was relevant to inferr pe preſumption pt he continowed in pe ſame and uplifted pe rents of pe whole eſtate notwithſtanding of pe defence of bona fide intromiſsion founded on pe ratification in Parliät & opr defences pr'in cont & pr'upon pe ſd John Hay prör forſd according to pe priviledge given him by pe Claime of Ryt proteſted in name forſd to pe Queen & Parliät for remeid of law & pr'after by word of mouth reſumed pe contents of pe ſd proteſtation & required pe ſd Mr Rot Alexr Clk might mark pe ſd proteſt in pe books of Seſsion and alſo in pe forſd proces & pr'upon took inſtruments in pe hands of pe nottar publict after ment & in pe hands of pe ſd Mr Rot Alexr in maner more fully ſpēit in pe ſd inſtrument of proteſt under pe ſubſcription of Androw Marjoribanks nottar publict of the date forſd as pe ſamen extant in proces more fully bears Item Ane Chartor under the great ſeall in favours of the ſd General Thomas Dalgiell of the Lands Teynds & opras pr'inment lyand & bounded in maner pr'in expreſt Granted by King Charles the 2d in his favors q'by his Mätie for the cauſß onerous pr'in ſpēit Erects the ſamen lands & teynds &c. in ane free barrony called the barrony of Knockmead To be holden of his ſd Mäty & royall ſucceſsors for payt of the ſervices uſed & wont & opr duties pr'in ment Qch Chartor is dated ij July 1670 years Item ane precept under the quarter ſeall of the date with the ſd Chartor for infeſting the ſd Generall Thomas Dalgell in the lands teynds & opras aſpēit erected in the forſd barrony of Knockmead. Item Ane Inſtrument of ſaſine following upon the ſd precept under the quarter ſeall in favors of the ſd Generall Thomas Dalgiell bearing him to be inſeſt in the lands & barrony forſd under the ſubne of Mr Hugh Fork nottar publict dated 9 Octor 1670 regiſtrat in the parlar regiſter of ſaſines kept in the ſhyre of Renfrew the 20 day of the ſd moneth of Octor & year forſd by the ſd Hugh Fork clerk to & keeper of the ſd regiſter Item Ane Ratification of Parliät granted by his ſd Mätie K, Ch, the 2d of four ſeall ſignatures granted by his Mätie & the p_n eſtates of Parliät to & in favors of the ſd Gñall Tho. Dalgiell of Binns of the lands & opras pr'in expreſt Diſſolving the ſamen haill lands parly & gñally expreſt in the ſds four ſignatures & to be ſpēit in the charter & opr rights to paſs pr'upon fra his Ma. Croun & patrimony pr'of & diſpenſing with the diſſoluon of the ſamyn & ſtatuting & ordaining that the charter & opr rights to be paſt upon the ſamen four ſignaturs & to follow pr'upon ſhould be good & valid rights to the ſd Gñall Thomas Dalgiell to bruke & enjoy the lands & opras ppetually in all tyme coming, Qch Ratificone of Parliät is dated the 22 Aug. 70 & is vnder the ſubone of Sr Ard Prymeroſe pn Lo. Clk Regiſter Item ane extract of ane ſaſine in favors of Wm Mure of Caldwell of the fyve pound land of Eaſter & Weſter Coudams with the ptinents lyand wtin the parochin of Symontoun barrony pr'of bailliary of Kyll & ſtewartry & prefdome of Air proceeding vpon ane precept of Clare conſtat granted by Wm then Lo. Cochran of Paiſley & Dundonald ſuperior of the ſamen in his favors dated 14 Septr 1655 Qch inſtrut of ſaſine is dated 2 Octor 1655 & is under the ſubone of Rot Broun notar publict & regrat in & extracted furth of the parlar regr of ſaſines of the ſefdome of Air the 9th day of the ſd month of Octor & year forſd by James Weir pref & Comr clerk of Air keeper of the ſd regiſter Item The Charter granted by Wm E, of Dundonald & Wm Lo. Cochran his ſon of the forſds lands of Eaſter & Weſter Coudams in favors of the ſd Generall Thomas Dalgell to be holden blenſh by him of pm containing ane precept of ſaſine on the end pr'of for infefting him pr'intill dated 2 March 1676 years Item The inſtrument of ſaſine of the forſd fyve pound land of Eaſter & Weſter Coudams & opras pr'in ment following upon & by vertue of the precept of ſaſine contained in the forſd Chartor to & in favors of the ſd Gñall Thomas Dalgiell dated the 26 Aprile 1676 under the ſubone of Rot Allan nottar publict regrat in the gñall regiſter of ſaſines kept at Edr the 18 May 1676 by Sr Jon Foules Clerk to & keeper of the ſd regiſter Item Ane extract of the act of Litis conteſtone made & pronounced by the ſds Lo. of Seſſion in the forſd proces depending befor pm firſt at the inſtance of the ſd Barbara Cuninghame relict of the ſd deceiſt Wm Mure of Caldwell & Barbara Mure only laull daur & air of tailly ſerved & retoured & alſe exerix decerned & ρfirmed to the ſd vmql Wm Mure of Caldwell her father & the ſd Jon Mure alias Fairly her huſband for his entereſt againſt the deceiſt Sr Tho: Dalgiell of Binns father to the purſr & the ſd Sr Tho: Dalgiell now of Binns himſelf & his tutors & curators for pr intereſt & after the deceis of the ſd purſrs father tranſferred at the inſtance of the fornamed perſons agt the ſd Sr Thomas Dalgell now of Binns perſr as repreſenting his ſd father paſſivè in manner pr'in ment toutching the ſd Sr Tho: Dalgiell now purſr as repreſenting his ſd father & grandfather paſſivè to reſtore repeat & pay back to them the rents & opras parlarly pr'in ment pertaining to each of pm in maner pr'in ſpēit of the avails & pryces pr'in expreſt vlg the number of 86 milk & yield Cows at 20 lbs pr peice belonging to the ſd deceiſt Wm Mure & in his oun poſseſsion in the year 1666 Item a great gelding worth 50 lb Ster. Item 4 other horſes at 100 lb pr peice together with the haill growth of the mayns of Caldwell the ſd cropt 1666 both corn & fodder to the value of 2000 m Item 50 bolls meal lying in the girnells at the ſd tyme at 10 m pr boll Item the whole pleniſhing utencils & domicils to the value of 3000 m Item three terms rent preceeding Mart. 1667 of the ſd eſtate of Caldwell extending to 10500 m intrometted wt by the ſd Gñall Tho: Dalgiell before he obtained the gift of Caldwells forfeiture Item 3 hay ſtacks ſtanding in the corn yeard of the ſds mayns of Caldwell at 100 m p peice Item the whole grouth of a litle maynes qch was in the Lady Caldwell elder her oun hands with the corn & fodder & a hay ſtack extending to the value of 550 lb Scots Item that the ſd Generall at Mart. 66 having intrometted with & away taken Caldwells pleniſhing as ſd is The ſd Barbara Cuninghame his lady having provydit herſelf wt ſome pleniſhing the Generall at the ſd tyme of his entry anno 1670 after Caldwells deceis did again intromet with & away take the ladies pleniſhing to the value of 500 mks Item the ſoume of 12000 mks received by the Generall or his ſd ſon or pr factors from the reŭive tennents of the lands for tacks in name of graſ-

ſum or entry at Whit. 1671 Item 6000 m̃ received by p^m from the ſewars & vaſsalls of the ſd eſtate for entering p^m & op^r caſualities p^t occurred dureing p^t tyme Item 10000 m̃ks ſuſtained of damnadge throw the ſd purſ^rs fathers demoliſhing the tower & manour place of Caldwell the tyme forſd and of ye bygone rents of ye lands and op^rs liferented by ye ſd Barbara Cunninghame & op^rs particularly lybelled All q^ch poynts & articles the ſds Lo. of Seſſion allowed to be proven prout de jure and lykewiſe found p^t the ſd Generalls entring into the full intromiſſion & poſſeſsion of the ſd eſtate of Caldwell was relevant to inferr the preſumpone p^t he continowed in the ſame & uplifted the rents of the whole eſtate & p^rby to make the ſd Sr Tho. Dalȝell now purſ^r lyable paſſivè p^rfor in manner at lenth ſpẽit in the forſd act of Litis conteſta^on extant in the ſd matter dated 28 Feb. 1706 years as the ſamen bears. AND the ſaids Barbara Cuningham & Barbara Mure Ladys Caldwell elder & yor & John Fairly alias Mure of Caldwell huſband to the ſd Barbara Mure for his intreſt purſeuars of the prinꝟ cauſe befor the ſds Lo. of Seſsion & defenders called in the forſd Summonds at Sr Thomas Dalȝiell now of Binns his inſtance befor his Grace & the eſtates of Parliãt Compearing by Sr Francis Grant & Sr Jo^n Ferguſon advocats their prõrs The forſd ſummonds & reẽive execu^ons p^rof inſtru^t of proteſt for remeid of law & writs founded on & produced for the ſd Sr Tho. Dalȝiell of Binns now purſuar with the compearance made for ep^r pties in manner above-rehearſt & diſpute vnder written proponed for p^m by p^r reẽive prõrs being all at lenth read heard ſein & ꝓſidered by his Grace her Ma. high Commiſsioner & the ſds eſtates of Parliãt & they being therwith & with the proces befor the Lo. of Seſſion & with the ſeverall ſpecialities of the purſuars caſe q^ch diſtinguiſhes it from other caſes falling vnder the act reſciſſory well & ripely advyſed HIS GRACE her Ma. High Commiſsioner & the Eſtates of Parliament Have Aſsolȝied & hereby Aſsolȝie the ſaid Sr Thomas Dalȝiell now of Binns purſ^t of the forſd Summonds for remead of law from the bygone rents of the eſtate of Caldwell preceeding the terme of Martimas I^m vj^ce and eighty eight years and Decern & Declare him ſimpliciter free thereof & quite p^rfrae in all tyme comeing BECAUS by virtue of the forſd ſummonds for remeid of law raiſed befor his Grace her Ma. high Comm^r & the eſtates of Parliãt at the ſd perſuars inſtance ag̃t the fornamed perſons defẽrs & ag^t the ſds Mr Ro^t Alex^r prinꝟ clerk & Alex^r Finlayſon deput clerk to the proces at the De^rs inſtance ag̃t the ſd Sr Thomas befor the Lo. of Seſſion for p^r intreſt were all lawfully ſummoned to this action by John Vauſs & Hugh Mitchell meſſ^rs in manner under writen viz the ſd Barbara Mure Lady Caldwell younger & the ſd John Fairly alias Mure of Caldwell her huſband for his intreſt both perſonally appũdit by delyvering to p^m ane juſt copie of the ſd ſummonds ſub^t by the ſd Jo^n Vauſs meſſ^r upon the 13 No^r laſt by paſt 1706 years and the ſd Barbara Cuningham Lady Caldwell elder lykewiſe pſonally appẽndit in Ed^r by the ſd Hugh Mitchell meſſ^r upon the 19 day of the ſd month of No^r & year forſd And the ſds Mr Ro^t Alex^r prinꝟ clerk & Alex^r Finlayſon deput clerk for p^r intreſt by leaving & affixing the lyke copy ſub^t by the ſd Hugh Mitchell meſſ^r for each of p^m at p^r wryting chamber in Ed^r w^t p^r ſervants after ſix ſeall knocks given by him on the door of the ſd wryting chamber as uſe is becaus he could not appẽnd them perſonally & p^t upon the 26 day of the ſd month of No^r 1706 all of p^m to have Compeared befor his Grace her Ma. High Comm^r & the eſtates of Parliãt at ane certain day bygone bringing with p^m exhibiting & produceing befor his Grace her Ma. high Com^r & the eſtates of Parliãt the forſd proces befor the Lo. of Seſſion haill grounds & warrands p^rof interloq^rs & delyverances pronounced p^rin by the ſds Lords of Seſſion & to have heard & ſeen the . As in the forſd Summonds & execu^ones p^rof at more lenth is ꝓtained AFTER elapſing of q^ch day of compearance the forſd Summonds was called conforme to the act of Parliãt 1695 at the great door of the Parliãt hous after opening p^rof & before ſitting of the Parliãt by ane macer as uſe is where pties compearing by p^r reẽive prõrs the ſaid Summonds & wryts ꝓduced were ordained to be ſein by the Defẽrs prõrs in the uſuall manner, Which accordingly being given out to ſee were p^rafter returned and this day called in p̃ce of his Grace her Ma. high Com^r & the eſtates of Parliãt At q^ch tyme the ſd Mr Tho. Kennedy advocat prõr for the ſd Sr Tho. Dalȝell purſ^r of the forſd action, for remeid of law Reſumed &c. Here take in the Minutes to the last Interloq^r in common forme Then say The q̃lk Summonds for remeid of law executions p^rof & wryts produced for the ſd purſ^r w^t the Compearance made for ep^r ptie & diſpute ãw^ten proponed for p^m being all at lenth &c. & they p^rwith and with the ſaid proces befor the Lo. of Seſſion & with the ſeall ſpecialities of the purſ^rs caſe q^ch diſtinguiſhes it from other caſes falling under the Act Reſciſſory well & ripely advyſed His Grace Her Ma. High Com^r & the Eſtates of Parliãt Aſſolȝied the ſd Sr Tho. Dalȝell purſuar of the forſd actione for remeid of law from the bygon rents preceeding the terme of Martinmas 1688 years And Gave & Pronounced p^r Decreet & ſentence in the ſd matter in manner abovewritten.

III MARTII, M.DCC.VII.

PROCEEDINGS in the Proceſs Lady Mary Bruce & William Cochran of Ochiltrie hir huſband against Sir Alex^r Bruce of Broomhall now Earl of Kincardine.

(1) Petition for Lady Mary Bruce & hir Husband Ag^t Sir Alex^r Bruce

Unto his Grace James Duke of Queensberry Her Mãties high Commiſsioner and the right hono^ll the Estates of Parliament

The Petition of Lady Mary Bruce and William Cochran younger of Ochiltrie her husband for his intereſt

Humbly Sheweth

THAT the petitioners being informed that Sir Alex^r Bruce of Broomhall deſignes to lay claime to the title and dignitie of Earle of Kincardine as neareſt aire male to the laſt Earle of Kincardine and accordingly to be admitted and received to his rank and place in Parliament And conceiving our right to the ſaid title and dignitie to be better founded in law and exclusive of Sir Alexanders pretenſions Humbly repreſent to your Grace and Lõps That the laſt deceaſt Alexander Earle of Kincardine diſponed and reſigned his title & dignitie of E. of Kincardine &c. in favours of the f^d Lady Mary Bruce his eldeſt Siſter and her aires of Taillie p^rin ſpẽit which reſignation was delivered by Sir John Cochran to the f^d Sir Alexander Bruce upon his receipt and obliedgment to redeliver the ſame when required It being deſigned that the reſignation ſhould be made with his conſent and ſo all ground of competition being removed her Mãtie might conferr the f^d title & dignitie upon the f^d Lady Mary Bruce conforme to her brothers f^d reſignation in her favours And albeit Sir Alexrs having the diſpoſition & pro^rie of reſignation forf^d in his hands gave occaſion to delay the compleating of the f^d right by her Mãties grant upon the f^d reſignation in favours of the f^d Lady Mary Bruce yet the forf^d diſpoſition & reſignation made by the f^d Alexander E. of Kincardine who was the laſt poſſeſſor of the f^d title & dignitie is ſufficient to exclude the right of any op^r of his aires male or of lyne albeit the ſame ſhould not fully eſtabliſh the right of the title & dignitie in the perſon of the f^d Lady Mary Bruce untill the ſame were conferred on her by her Mãtie upon the forf^d reſignation as was decided by the Lords of Seſſion Jully 11th 1633 Oliphant ꝓtra Oliphant In which caſe the Lord Oliphant having diſponed his lands with the title & dignitie of the Lop. of Oliphant to Patrick Oliphant and his aires male containing ane pro^rie of reſignation ane reduction of the f^d right was intented by the f^d Lord Oliphants daũr & her huſband as being a paction anent a title of honour which is not in commercio not being allowed by the Prince and ſo null and that the title ſhould be decerned to pertaine to the purſuer as neareſt aire of lyne to him The Lords

found That becauſe by the Contract forſ[d] the purſuers father had diſponed the title to the defender in which p[r] was a pro[rie] of reſignation albeit the King had not conferred the honour according therto That the father who was the laſt poſſeſſor having diſponed the ſ[d] title & dignitie was ſufficient to denude him and his aires ay and while the Prince ſhould declaire his pleaſure Whence it plainly follows that the forſ[d] diſpoſition & reſignation made by the ſ[d] laſt deceaſt Earle of the ſ[d] title & dignity in favours of Lady Mary his Siſter does exclude any right that can be acclaimed by Sir Alexander as his aire male albeit the ſame ſhould not compleatly eſtabliſh the right in her perſon untill her Mätie conferr the ſame upon the ſ[d] reſignation & Sir Alexanders receipt and obliedgment forſ[d] bears not ſimply a pro[rie] of reſignation but a reſignation made by the ſ[d] deceaſt Earle in favours of the ſ[d] Lady Mary his Siſter and upon his ſ[d] obliedgment Sir Alexander was required under forme of inſtrument to exhibite the ſ[d] reſignation as the ſamen herewith produced bears And as a reſignation actually made would be a further ſtep for compleating the right as importing the Soveraigns conſent and acceptance of the reſignation in favours of the perſon p[r]in deſigned So albeit p[r] had been but a ſimple diſpoſition & pro[rie] of reſignation q[u]pon no reſignation had followed the ſame would be ſufficient to exclude all the diſponers aires and make the title to be at the Soveraigns diſpoſall as was determined by the Lords in the forſ[d] caſe And the prörie of reſignation tho after the granters deceaſs will ſtill be effectuall by vertue of the late act of Parliät to the perſon in whoſe favours it is granted when her Mätie ſhall be pleaſed to accept of the reſignation & conferr the title accordingly.

Moreover in the year 1663 p[r] was ane Signature by King Charles the 2[d] for a Letter patent to be made in favours of Alexander then Earle of Kincardine nameing deſigning & ordaining the ſ[d] Alexander Earle of Kincardine his aires male and of taillie deſigned or to be deſigned by them Earles of Forth Viſcount Bruce &c. and that in place of the title of Earle of Kincardine Lord Bruce of Torrie And the ſ[d] Alexander laſt Earle of Kincardine ſone to the forenamed Alexander E. of Kincardine to whom the ſ[d] Signature was granted did by the forſ[d] diſpoſition and reſignation taillie his title and dignitie to the ſ[d] Lady Mary his eldeſt Siſter and the aires of her body Whilks faillieing to her o[r] Siſters & p[r] aires ſucceſſive And the Soveraigne having by the forſ[d] deed deſigned the forſ[d] title & dignitie to be to the aires of taillie that ſhould be deſigned by the ſ[d] E. of Kincardine or his aires male and p[r]by ane innovation made of the former title conferred upon the Earles of Kincardine the petitioners right to the ſ[d] title & dignitie ſhould be found preferable & exclusive of any right competent to Sir Alexander as aire male to the ſ[d] Earle and upon which grounds and o[r] we have raiſed ane declarator before the Lords of Seſſion.

And Seeing the admitting of Sir Alexander to the rank and place of E. of Kincardine in the Parliät would be very prejudiciall to our right forſ[d] whilſt we were not heard upon our ſ[d] right and intereſt ſo founded in law and reaſon & inſtantly verified by the writes founded on as is above deduced.

May it p[r]fore pleaſe your Grace & Lörs upon conſideration of the premiſſes to ſtop the admitting or receiving of Sir Alexander unto the title rank & dignity of the E. of Kincardine untill your petitioners be heard upon our rights.

And your petitioners ſhall ever pray &c. A. McLeod.

Ed[r] 3[d] Octobris 1706.

Her Mäties High Commiſsioner & the Eſtates of Parl[t] having heard this petition read in their preſence They continue the conſideration therof untill the parties concern'd be heard befor them on the grounds therin repreſented the next sitting of Parliament.

SEAFIELD Cancellar. I. P. D. P.

(2) Representation for Lady Mary Bruce

Unto his Grace James Duke of Queensberry, Her Majesties High Commiſſioner, and the Right Honourable the Eſtates of Parliament; The Repreſentation of Lady Mary Bruce, and William Cochran of Ochiltrie her Husband for his Intereſt; Against Sir Alexander Bruce of Broomhall.

BY a Patent under the Great Seal in anno 1647, Edward Bruce of Carnock is created Earl of Kincardine; And tho it be pretended that the Dignity was thereby provided to the Heirs Male, yet it is certain that in June 1663, this Dignity was reſigned in the Hands of King Charles the Second, who thereupon by a new Gift created Alexander then Earl of Kincardine the Reſigner, his Heirs Male and of Tailzie deſigned, and to be deſigned by them Earls of Forth, Viſcount of Bruce, &c. Lord Torrie, &c. And that in Place of the Title of Earl of Kincardine, &c. But the Troubles of this Noble Family ſtopt the Expeding of this Gift.

The deceaſt Alexander Earl of Kincardine having no Male Iſſue of his own Body, had, by two ſeveral Diſpoſitions, on very good Grounds, Reſigned his Title, in favours of Lady Mary Bruce his eldeſt Siſter; But before theſe came to be compleated by the Soveraign, Sir Alexander Bruce of Broomhal offers to aſſume the Title and Dignity of Earl of Kincardine, as pretended Heir Male, and thereby having Right in the Terms of the Original Patent to Sit and Vote in this preſent Parliament.

Lady Mary Bruce and her Husband have already given Her Majeſties Commiſſioner and the Right Honourable the Eſtates of Parliament, a ſhort View of their Caſe, in a late Petition: And being by a Deliverance of Parliament ordained to be furder Heared; It is now humbly contended, That the ſaid Lady Mary Bruce her Right to the Title and Dignity of Kincardine is not only better founded in Law, both Feudal and Municipal, but intirely excluſive of Sir Alexander Bruce's Pretenſions: In as far as the deceaſt Alexander Earl of Kincardine her Brother, had Diſponed and Reſigned his Title and Dignity of Earl of Kincardine, in her Favours, which of it ſelf was ſufficient to denude the Diſponer: But much the rather that Sir Alexander does by his Receipt acknowledge, That he had got up and received into his Hands, a Reſignation made by the Earl of Kincardine of his Title of Honour in favours of his Siſter Lady Mary, which Reſignation he obliges himſelf to Redeliver on Demand; Whereby it is evident, That as Reſignation was made, and that Sir Alexander had borrowed up the ſame, ſo his keeping up of this Warrand, which is not yet delivered, was the plain and only Stop of my Lady Marie's not having compleated her Right: And it is a Rule in Law and Juſtice, which will always have its due Weight with this High and Honourable Judicatorie; That *nemo debet lucrari ex propria Culpa*: And that Sir Alexander did induſtriouſly and contrair to the Faith of his Receipt, keep up this Reſignation, is evident from an Inſtrument produced, bearing date at Cannongate the 3d of October inſtant, when being required to Deliver and Perform in the Terms of this abovementioned Obligement, he acknowledged the having of, and offered to deliver up two Procuratories of Reſignation made by the late Earl of Kincardine, in Favours of Lady Mary his Siſter; But refuſed the having or delivering up of any Reſignation.

But tho Sir Alexander's Receipt and the abovementioned Inſtrument, do fully clear the Cauſe why the Ladies Title of Dignity could not be furder compleated, yet ſhe urges, for excluding Sir Alexander's Pretenſions, theſe two plain Grounds of Law.

1. Whatever was the Conception of the Original Patent of this Dignity, yet all Lawyers agree in this, That the preſent Poſſeſſor of a Dignity, with the Concurrance of the Soveraign, can alter the Deſtination, Conveyance and Deſcent of the Title of Honour; and this is Lady Marie's Caſe: For ſhe now produces the Signature abovementioned, proceeding upon the Reſignation of Alexander then Earl of Kincardine, and Brother German to Edward

the firſt Earl, whereby the Title & Dignity is provided to the Earl's Heirs of Tailzie, deſigned or to be deſigned; Which Signature, tho never further compleated, did moſt effectually alter the former Deſcent and Intail of this Dignity on the Heirs Male of the Family. And this deſerves to be the further regarded, that Procuratories of reſigning Honours were not even before the late Act of Parliament conſidered to dye with the Granters, and the Deſcent of Honour was ſtill as different from that of Heretage, as their Conſtitutions. And for clearing of this Point, it were eaſie to condeſcend on many conſiderable Families of this Nation, whoſe Dignities and Honours have been tranſmitted, and are now enjoyed and poſſeſt by virtue of Procuratories of Reſignation after the Granter's Death.

2. Whatever may be ſaid for Lady Mary from Sir Alexanders keeping up the Reſignation in her favours, yet ſhe now pleads, in behalf of her ſelf and Family, That in als far as her Brother had Diſponed to her *his* Title, Honour and Dignity of Earl, he was *eo momento* thereby effectually denuded: For Titles of Honour, as they are not anailziable, or *in commercio*; ſo on the other Hand, they are certainly extinguiſhable by the preſent Poſſeſſors, and parties who enjoy them may quite their own Intereſt: And tho Lady Mary could not claim this Honour, until her Brothers Diſpoſition were approven by the Soveraign; So it's as certain the ſame remains with Her Majeſty, and Sir Alexanders Pretenſions are for ever excluded, the Party to whom he pretends to be Heir-Male having been fully Diveſted.

His Grace Her Majeſties High Commiſſioner and the Honourable Eſtates of Parliament are intreated to conſider, That what is now Pled for Lady Mary Bruce, has a full and plain ſelf Evidence: For, as the former Signature in favours of the Heirs of Tailzie ſecures her Right, ſo Sir Alexander Bruces Pretenſions are intirely cut off by the late Earls Diſpoſition in the Ladies favours.

The Deciſion of the Lords of Seſſion on the 11th of July 1633, Oliphant contra Oliphant, is preciſely Lady Mary Bruces preſent Caſe, where a Party having Right to a Dignity, and Diſponing the ſame, was found capable to quite his own Intereſt, and ſo to extinguiſh the ſame, that it remained with the Soveraign; And tho in the Intercourſe of Juſtice, Deciſions may ſometimes have varied, yet the Honourable Eſtates of Parliament are intreated to conſider that this is no common Caſe:

For, 1. This is a Deciſion of a ſupream Judicatory *de dignitate & titulo honoris*. 2. As this is *quæstio honoris*, ſo the Fountain of Honour is ſitting preſent in the Judicatory, as not only Durie, but all our privat Hiſtorians have remarked. 3. Tho the Action be called by Durie a Reduction, yet it's very remarkable that it was truely *quæstio possessionis*, and both Parties were *in acquirenda*; for, tho the Queſtion was anent the Title and Dignity of the Lordſhip of Oliphant, yet none of the Parties in the Deciſion had aſſumed the Title, but the Heir-Male is deſigned Patrick Oliphant, and the Female by her Husband Sir James Dowglas; ſo that the Deciſion was of a plain Point of Law, by a Soveraign Court, the Fountain of Honour preſent in perſon.

Nor did this ſolemn Deciſion terminat in clearing the Point of Right, but was further confirmed by the Royal Approbation: For immediatly upon the Deciſion, King Charles interpoſed, and gave a new Patent to the Lord Oliphant.

As Procuratories of Reſignation of Honours and Dignities did not die with the Granter, even before the late Act of Parliament, and what is now pled for Lady Mary Bruce, was formerly and anciently our Law: So much more of late, ſince the Wiſdom of this Nation hath thought fit to perpetuat the import and effect of Procuratories of Reſignation, which indeed ſeems ſufficiently to take off all that can be Objected for Sir Alexander Bruce.

And it's of no Moment to pretend, that a dignified Perſon after Reſignation (ſpecially, if not accepted by the Soveraign) continues to Poſſeſs the Dignity himſelf, and conſequently his appearand Heir may do the ſame, as Sir Alexander Bruce pretends: For this is a plain tho common Miſtake, and whatever may have occur'd in the contrair *de facto*, yet it's otherways in Law, but more eſpecially in this Caſe, where the Queſtion is not with the dignified Perſon but with his Heir, and where a third Party compears with a Right in her Hand to the contrair.

Nor is it to the purpoſe to plead, that the late Earl of Kincardine after this Reſignation might have Voted in Parliament himſelf: For, 1. After a Title of Honour is diſponed and Reſigned, neither the Reſigner, nor the Party in whoſe favours the Dignity is conveyed can claim the Honour or Priviledges belonging thereto, but the ſame remains with the Soveraign, who may indeed confer the ſame on any of them he pleaſes: And becauſe Sir Alexander Bruce is pleas'd to lay weight on this trifling Objection, the Honourable Eſtates of Parliament are intreated to conſider, that this Anſwer is in the preciſe terms of the ſolemn Deciſion. And 2. Lady Maries Caſe is yet ſtronger, for if the late Earl of Kincardine her Brother had after the Reſignation in her favours pretended to the Priviledge of Voting in Parliament, he had this to ſupport him, that his Reſignations was in favours of himſelf in the firſt place, and reſerved his Liferent-Right, and conſequently he might have continued his Priviledge of Voting in Parliament, by the very tenor of that Reſignation, which intirely excluded his Heirs-Male, which indeed is alone ſufficient to Anſwer Sir Alexanders Claim.

As what is pled for Lady Mary Bruce, is agreeable to our ancient Cuſtoms, and Practice, in relation to Titles of Honour; So it is further confirmed from the very Principles of the Feudal Law, where Honours and Dignities came to be very early conſidered, and their Deſcent diſtinctly determined: And where-ever any Feudal Right or Dignity was by the Inveſtiture provided to Heirs Male, all the Feudal Lawyers have agreed, that that was never extended beyond the Heir Male of the Vaſſal's own Body, which Sir Alexander Bruce does not pretend to.

And therefore, on the whole Matter, Her Majeſties High Commiſſioner, and the Honourable Eſtates of Parliament, are humbly and earneſtly intreated, to conſider, That as what is now pled for Lady Mary Bruce, is juſt and agreeable to all Ancient and Modern Law, ſo her Caſe in all Reſpects is highly Favourable, her Claim being the expreſs Will of the Defunct, and her Right of Reſignation having been kept up by Sir Alexander, and being yet in his Hands, whereby the Soveraign's Determining in whoſe Favours ſhe would confer this Title of Honour was certainly ſtoped; And Her Majeſty by this Reſignation had certainly that Intereſt in the Deciſion, That Lady Mary Bruce humbly begs Her Gracious Majeſty may be informed anent her Claim, before the Poſſeſſion be Determined.

(3) Minutes & Interlocutor in Parliament Lady Mary Bruce ag^{t} Sir Alex^{r} Bruce of Broomhall

10 Octobris 1706.

Mr Alex^{r} MacLeod for Lady Mary resum'd the grounds of her Petition & added that as the creation of ſuch dignities wes a fewdal right in the person of acquirers & therfor regularlie not to be derived to any other than the deſcendents of the first vaſſall wch Sr Alex^{r} in the p^{n}t caſe cannot p^{n}d to be ſo the dignitie of the Earldom of Kincarden having been reſign'd by Lady Maries father in favours of himſelf & his airs of tailzie contain'd in the ſignature under the kings hand granted therof, which tho never fully exped throw the ſeals yet did effectuallie i^{n}ovat & alter the first gift in favours of the aire male 2° the reſigna^{c}o^{n} of the laſt Earl in Lady Marys favours tho it cannot give her that dignitie untill her M^{a}tie ſhall think fit to conferre the ſame upon her yet it wes ſufficient to denude the Reſigner & his other airs of all pretence to that dignity as wes most ſolem^{l}y decided on the ij July 1633 in his M^{a}ties K. Charles I his p^{n}ce who was then the fountain of honour in the caſe of the Lord Oliphants Reſignation in favours of his heire male & 3^{io} It's plain that Dignities as they are not *in commercio* ſo they require no ſervice to

tranſmit them & therfor require the leſs ſolemnitie for denuding the dignified perſon ſo that there can be no more requiſit in this caſe than the diſpoſition & reſigna^on founded upon by Lady Marie & wherupon the Ladie & her husband have intented a ꝓceſse of Decla^r of her right which is now depending befor the Lords of Counsell & Seſsion.

Sir Walter Pringle for Sir Alex^r Bruce alleadged that the ſignature in favours of the heirs of Tailzie did not alter bot rather confirm the deſtination & right of the heirs male ſeeing the first heirs therin are the heirs male bot 2° As to that ſignature it wes a derelinquish'd paper & the titles p̃ded to be therby conferr'd wer actuallie bestow'd particularlie the title of Forth bestow'd on the Earl of Melford 3^io The reſignation deſign'd therafter by the peti^oners brother having never been made or exped it could not denude that Earl in prejudice of his heir male which is indeed the point in question & it's notour that Earl did actually ſit & vote in Parl^t after that p̃rie in favours of his sister 4° The act of Parl^t continueing the validity of p̃ries & precepts after the granters death cannot concern dignities that act bearing expreſsly to be for obviating the circle & expenß of the legal remedie viz. adjudication wch was not imaginable in the caſe of dignities which could not nor can be adjudged And as to the Deciſion alleadged on it is rather a trysting than a legal deciſion ſeeing both pties had new Patents given them & cannot therfor be conſidered as a legal precedent for deciding after caſes of the like nature.

MacLeod replyed there are ſ̃eall Peers whoſe rights to their dignities are founded on Reſigna^ons made after the reſigners deceaſse wch could not subſiſt in law unleſs the p̃rys denuded the Granters & as for the deciſion it is a plain legal determination of the right of the pties & observed & transmitted from that time to us as the fairest precedent in any such caſe & therfor of very just weight in all such caſes that can occurre afterward.

Sir Francis Grant for Sr Alex^r Duplyed that as the Decla^r concerning this dignitie depends befor the Lords of Seſsion So there are ſufficient grounds to ãnulle the p̃ded p̃rie wherof he now insisted on this that it wes *a non habente poteſtatem* the granter being in ſo far as concerns that dignitie interdicted in favours of the Soveraign that he could not denude himself without the Soveraigns conſent 2° The Soveraign the other Peers the partie & the Partt haveing such interest in the convoyance of such a dignitie unleſs it had been compleeted *habili modo* by the partie & the Soveraign it is impoſſible it can take any effect whatever much leſs ſo denude the heire male as to turn him out of the poſſeſsion of such a dignitie without a formal ꝓceſs for taking away his right & 3^io As to the Deciſion adduced the caſe does not quadrat for by a contract with the father of the purſ^r of that proceſse the defẽr alleadged the honour was conveyed & the Lords found the purſ^r could not quarrell the fathers deed she being lyable to warand it as repũting him on the paſſive titles which otherwiſe they had never done bot undoubtedlie had found the subject *extra commercium* & reduced And therfor this caſe being of the highest import ought not to be regulat by that deciſion eſpeciallie when it is alreadie depending befor the Judge competent & will undoubtedlie be determin'd there by the known & fixed principles of Law.

Her Mãties high Comiſsioner & the Estates of Parl^t haveing advised the debate they admitte Sir Alex^r Bruce to his seat & vote in Parliament as Earl of Kincarden Reſerving Lady Mary's right & Declaratour as accords.

SEAFIELD Cancellar. I. P. D. P.

(4) Petition for Lady Mary Bruce and her husband

Unto His Grace James Duke of Queensberry her Mãties high Commiſsioner and the Right honourable The Estates of Parliament

The Petition of Lady Marie Bruce and William Cochran younger of Ochiltrie

Humbly Shew^eth

THAT whereas the ꝓtitioners haveing applyed to your Grace and the honourable Estates in the moneth of October last upon Our Rights and grounds therein mentioned whereupon we had Raised ane Declaratour befor the Lords of Seſsion befor Sir Alex^r Bruce of Broomhall should be admitted to the Rank and Dignity of the Earle of Kincardine The Rights we mainly founded on were two p̃ries of Resignation of the Title and Dignity of the Earle of Kincardine, granted by the last deceast Alexander Earle of Kincardine in favors of himself and the heirs of his body Whilks failzeing his nearest heirs whatſomever and the other in favors of himself and after his deceaſe to the said Lady Marie Bruce his eldest Sister german and the heirs male or female procreat or to be procreat of her body ſucceſsive without division Whilks failzeing to her Sisters and their heirs in manner therein mentioned Which p̃ries of Resignation having been delivered by Sir John Cochran of Ochiltrie to the said Sir Alex^r Bruce upon his recept for Redelivery thereof upon Demand. When the Cause came to be heard and the Recept fors^d produced by the petitioners and production Craved of the s^ds p̃ries The same were accordingly produced by Sir Alexander and Given in to the Clerks and the petitioners when the debate was ended having taken up theſe p̃ries as their own Evidents from the Clerk upon their Recept to Redeliver the same upon Demand And the Clerk upon the urgent desire of the other Party Craving that theſe p̃ries may be given back by the petitioners We humbly Conceive That theſe p̃ries being our Evidents we have just Right and Interest to Retain the same albeit we gave the said Recept thereof for the Clerks Exoneration and it would Create ane unneceſsary trouble to the petitioners to be put to the neceſsity of useing Exhibition for our own proper Evidents in case the same ſhould be given up or fall into the hands of any persons not having right thereto And seeing your Grace and the honourable Estates of Parliãt having advised the ſaid Debate in the said Cauſe upon the [10] day of October last Did admitt Sir Alexander Bruce to his Seat and Vote in Parliament Reserving the petitioners Right and Declaratour as accords. Wee are yet the more Concerned to Preserve theſe Evidents as being abſolutly neceſsary in that proces and we beg leave in our own Defence to say that if theſe papers were Returned to our Competitor they might be by him Cancelled or Embazled Whereof we could hope for no Redreſs for the Circumſtances of his fortune are sufficiently known besides the benefite he has and does Enjoy of a personal protection without being limited to any particular time.

May it therfore Please your Grace and the honourable Estates of Parliãt upon Consideration of the premiſses to allow the petitioners to Retain the s^ds p̃ries of Resignation being our own Evidents And to appoint our Recept thereof to be given up to us and Ordain Our said Declaratour to be Diſcuſt befor the Lords of Seſsion summarly without abideing the course of the Roll. Will. Cochran,

Ed^r 4 Febr^y 1707.

Her Mãties high Commiſsioner & the Estates of Parl^t having heard this Petition ordain the writs mentioned therein to be put in the Clerks hands & that the Earl of Kincarden & his p̃rs see & answer the petition ag^t the first day on which the Parl^t shall think fit to proceed upon privat caſes.

SEAFIELD Cancellar. I. P. D. P.

(5) Answers for the Earl of Kincardine to the Petition presented against him, By Lady Mary Cochran and the Laird of Ochiltrie her Husband.

THE ſaid Lady and her Husband pretending right to the Dignity and Title of Honour of Kincardin, they did raiſe Declarator before the Seſſion thereanent; And did at the ſame time Petition the Parliament, that the Earl ſhould not be admitted to his Rank and Dignity there, till ſuch time as the ſaid Declarator were brought to a cloſe; and they being heard upon that Petition, the Deſire thereof was refuſed, reſerving their Declarator before the Seſſion, as accords. But the Earl for clearing his Defences, having produced two pretended Procuratories of Reſignation of the ſaid Title and Dignity, which had been put in the Earls hands, upon certain Conſiderations, needleſs to be here taken notice of: The Ladys Son, after the matter before the Parliament was over, did induce the Clerks Servant, to lend him up the Earls Production foreſaid, upon Receipt. And now the Lady and her Husband do Petition, First, that they may be allowed to retain in their hands the foreſaid two Procuratories, pretending that the Earl having borrowed them from Sir John Cochran, and granted a Receipt, and obligement for Re-delivery thereof; Therefore, that by this Receipt they will be found to belong to them. And in the next place, they take occaſion, to deſire that the Parliament will do them the Favour, to appoint their Declarator foreſaid, before the Seſſion, to be there ſummarly, diſcuſt. As to the firſt of which Deſires, the Earl is not ſtraitned here, to take notice, how they pretend to impoſe upon the Parliament, by deſiring to have two Procuratories delivered up to them, whereas the Earls Receipt is only for one. It is ſufficient to Anſwer, 1mo, That the matter before the Parliament being over, each Party ought to have up their own respective Productions, & their own Petition does acknowledge theſe Procuratories to be the Earls own Production; And the Clerks poſſeſſion was ſtill the Earls Poſſeſſion; And Ochiltree having given a Receipt to the Clerk, obliging him to Re-deliver them, does *ipso facto* own all this. 2. This Receipt and Obligement granted by Ochiltree to the Clerk, cannot be annulled, or made ineffectual (as he deſires) nor yet the Earl ſummarly Diſpoſſeſt of his Production, without Calling him in due courſe of Law. 3. As the Earl cannot be obliged to anſwer here ſummarly to an Exhibition and Delivery: So alſo, it is noways proper to trouble the Parliament with it. For the Earls Exceptions and Defences againſt the Exhibition, do many of them conſiſt in Fact, which will require more time and Terms for Probation, that it is poſsible the Parliament can well ſpare, ſuch as that the Granter was not *compos mentis*, nor were the Procuratories ever delivered Evidents otherways than at moſt upon Truſt. 4. By ſeveral Acts of Parliament all Civil Actions are appointed to be firſt Purſued before the Judge Ordinary and not before the Parliament, Act 27 Parliament 5 James 3d. And there is no ſpecial Merit in this matter which ſhould require overturning old Acts of Parliament, or making of new ones. And it is plain that the Ladys deſire ſummarly to diſpoſſeſs the Earl of his Writs; without Proceſs or Citation, and to annul her Sons Receipt thereof, do in a word directly import they may be Favoured with overturning the eſtabliſhed Acts of Parliament about the order of Adminiſtration of Juſtice in the Seſsion. As to the 2d. Deſire, it is anſwered, 1. That the ſame is as much beyond Rule and Precedent as the Former, nor was it ever heard of, that the Parliament did recommend Ordinary Actions, depending before the Seſsion to be there Summarly Diſcuſſ'd, except in moſt ſpecial Caſes, where the Proceſs was firſt intented before the Parliament, which is not pretended in this Declarator: But on the contrair, the ſamen is by a Vote of Parliament found to be Depending before the Seſsion; and there reſerved. And in ſo far as the Reſervation of Parliament bears, "According to Law," It is moſt Irregular to deſire that contrair to Law and practice, the Parliament ſhould now Innovat that Vote by appointing the ſamen to be Diſcuſſ'd, otherways than in due Courſe of Law. 2. As their Petition does not ſo much as give the leaſt Inſinuation of Reaſon, or Specious Pretence, why this Declarator ſhould be Summarly diſcuſſed, more than any other ordinary Action; So alſo on the contrair, This Proceſs is ſo far from being Meritorious, that it is plainly of its own Nature both Frivolous and Odious, for very obvious Reaſons. As to the Inſinuation touching the Earls Circumſtances and his Protection, it is ſomewhat unkindly (to ſay no worſe of it) in the Petitioners, to mention this who know (as all the world does) that the Earl hath loſt a very plentiful Eſtate, by his Friendſhip to their Father and his Family. And as to the Protection, the Inſinuation is Groundleſs, for the Protection Secures only againſt Debts, and not againſt Exhibition of Papers. As to the Suggeſtion, that the Earl may Cancel or Imbazle theſe Papers, they have been now for many years in the Earls poſſeſsion, and are ſtill in full integrity. And here the Earl begs leave to Repreſent, that though his tenderneſs to theſe his pretending Competitors, did reſtrain him from taking theſe Advantages which lay open to him, upon a very unluckie production, made of a vitiate Paper in the beginning of this Seſsion of Parliament, yet he hopes that theſe who take the Aſſurance to produce ſuch Papers of their own, will be looked upon as very unfit hands for the Cuſtody of other Mens Papers.

In respect whereof, both the desires of the Petition ought to be Refused. Kincardin.

Edr 3 [Martii] 1707.

Her Mãties high Commiſsioner & the Eſtates having conſidered this Petition with the answers Remit the petitioners cauſe to be summarlie diſcuſsed before the Lords of Seſsion & Ordain the writs in the clerks hands to remain therin reſerving all defences agt delivery to be determined by the Lords as accords.

SEAFIELD Cancellar. I. P. D. P.

(6) Act & Remit to the Seſsion Lady Mary Bruce & William Cochran of Ochiltrie her husband against the Earl of Kincardine.

ANENT the petition given in & pũted unto his Grace James Duke of Queenſberry her Majeſties high Commiſsioner & the Right Honoble the eſtates of Parliãt at the inſtance of Lady Mary Bruce alias Cochran and William Cochran younger of Ochiltree her huſband for his intreſt agt Sr Alexr Bruce of Broomhall now Earle of Kincardine Shewing That &c. And therfore humbly Craving &c. as the forſd petition & deſyre therof at lenth proports. With wch petition pr was produced in preſence of his Grace her Ma. high Comr & the ſd eſtates of Parliãt ane reſept granted by the ſd Sr Alexr Bruce of Broomhall dated 27 April 1704 wherby he grants & acknowledges pt he had got vp and received into his hands from Sr John Cochran ane reſignacon made by the Earle of Kincardine of his title of honour in favors of his ſiſter the petitioner qch reſignacon he obleidged him to redelyver vpon demand to the ſaid Sr Jon Cochran or to Wm Cochran of Ochiltrie his eldeſt ſon in manner ment in the ſd recept & obleiſment With ane inſtrument under the ſubone of Wm Dalrymple notar publict dated 3 Octor 1706 years Bearing Wm Cochran eldeſt laull ſon to Mr Wm Cochran of Ochiltrie younger as prõr for & in name & behalf of his ſd father & Lady Mary Cochran his mother to have paſt to the pſonall pñce of the ſd Sir Alexr Bruce wtin his lodgeing in Cannogate and to have requyred from the ſd Sr Alexr the forſd reſignacon made by the Earle of Kincardine of his title of honour in favors of his ſd ſiſter in the terms of his recept forſd at lenth ingroſt in the ſd inſtrut as the ſd inſtrut & proteſt taken prupon of the date forſd bears And in lyke manner produced ane ſignature ſuperſcribed by his late Majeſty King Charles the 2d dated the 3 June 1663 nameing deſigning & appoynting Alexr then Earle of Kincardine his airs male & of taillie named or to be named by him Earles of Forth Viſcount Bruce Lord and Torry & pt in place of the title

of Earle of Kincardine & Lo. Bruce of Torry with power to him & his forſds to take place and precedency & to enjoy all dignities priviledges prerogatives & immunities according to the date & tenor of ane former patent granted by his late Mätie King Ch: the Firſt to the deceiſt Edward E, of Kincardine of date the 20 Decr 1647 which ſignature is docqueted by the Earle of Lauderdale pn ſecretary of State as the ſamen ſignature more fully proports; Whilk petition ãw'ten & wryts forſd pfwt produced being upon the 3d Octor 1706 years read in pũce of & ꝑſidered by his Grace her Mäties high Commiſſioner & the eſtates of Parliät They continowed the conſideration of the ſd petition vntill the pties concerned be heard befor them on the grounds therin repreſented the pn nixt Sederunt of Parliät; Accordingly the pties & pr prörs aftermt being upon the 10 day of the ſd month of Octr 1706 years called & heard in Parliät At qch tyme the ſd Lady Mary Bruce alias Cochran & Wm Cochran her huſband for his intereſt Compearing by Mr Alexr McLeod advocat their prör who for them Reſumed the grounds of the petition abovewritten & added &c. [*Here take in the firſt paragraph of the Minutes Then say*] And the ſd Sr Alexr Bruce of Broomhall now Earl of Kincardine Compearing by Sr Walter Pringle & Sr Fran. Grant advocates his prörs who for him lykewyſe produced in pũce of her Ma. high Comr & eſtates of Parliät the wryts after ment viz Ane diploma or patent of honour under the great ſeall Creating the now deceaſt Edward Bruce of Carnock and his heirs male Earles of Kincardin Lords Bruce & Torrie &c. dated at Cariſbrook 26 Decr 1647 with ane act of Privy Councill under the ſubne of Sr Arl Prymroſe pn Clerk of Councill taken upon producn of the ſd diploma or patent of honour in favors of the ſd Edward Bruce dated the 7 July 1648 Item the foresd pröry of reſignation under the ſubne of Alexr late Earle of Kincardine dated at Culros 12 Septr 1702 containing a power to reſigne the title of honour & dignity of Earle of Kincardine Lo. Bruce & Torrie &c. with all liberties & priviledges immunities & precedencies dew & competent to the ſd deceiſt Edward Earle of Kincardine by the forſd patent & to the ſd Alexr late E: of Kincardine as neareſt air male to him wt all right title & intereſt jure ſanguinis or opr ways competent or pt might be competent to him his ꝑdeceſsors or ſucceſsors of & ꝑcerning the ſame title of honour & dignity in the hands of her pũt Mätie Queen Ann in favors & for a new grant & patent pr of to be made & granted by her Mätie to the ſd Alexr late E, of Kincardine granter of the forſd pröry & the airs male to be laufly procreat of his body Which failzeing to the eldeſt daur & heir female to be procreat of his body ſucceſsivè without diviſion & the heirs male of her body Which failzeing to the ſd Alexr late E, of Kincardine his neareſt airs qſomever in manner more fully ment in the ſd pröry Item another pröry of reſignatne under the ſubne of the ſd Alexr late E, of Kincardine touching the penſled by the notar after expreſt dated 15 June 1703 containing lykewayes a power of reſigning the forſd title honour & dignity of Earle of Kincardine Lo. Bruce & Torie In her pũt Ma. hands In favors & for a new gift & patent of the ſame to be granted in due forme to him & after his deceiſt (under the proviſions ment in the ſd pröric) to the ſd Lady Mary Bruce his eldeſt ſiſter german & the heirs male & female procreat or to be procreat of her body ſucceſsivè wout diviſion Which failzeing to pe opr perſons ſpcit in the ſd pröry wch is ſubt by the ſd Alexr late E. of Kincardine touching the pen led by Wm Hamilton & Da. Craigie notars publict who doe alſo ſubſcryve the ſamen with the ſd Earle: As the ſds tuo pröries of reſignatn of the dates reẽive ãw'ten in pmſelves more fully proport After producne of qch wryts the ſd Sr Walter Pringle & Sr Francis Grant advocats as prörs for the ſd Sr Alexr Bruce of Broomhall alledged that the ſignature in favors of the heirs of taillie &c. [*Here to inſert the reſt of the Minutes to the Interlocr Then say*] The qlk debate abovewritten and wryts produced by either pties prörs in maner forſd being upon the ſd 10 Octor 1706 years read heard ſein & ꝑſidered by her Mäties high Comr & the eſtates of Parliät & they being pr with well & ripely advyſed They by pr Interlocr pr upon the ſd day Admitted the ſaid Sr Alexr Bruce of Broomhall to his ſeat & vote in Parliät as Earle of Kincardine Reſerving Lady Maries right & declarator as accords Theraſter the ſd Lady Mary Bruce & William Cochran younger of Ochiltrie her huſband gave in & pũted to his Grace her Ma. high Comr & the eſtates of Parliät ane other petine Shewing That whereas the Petitioners &c. And therfore humbly Craving &c. As the ſaid Petitione & deſyre pr of at lenth bearis Whilk petine forſd being upon the 4 Feb. 1707 years read in pũce of & conſidered by his Grace her Ma. high Comr & the eſtates of Parliät They by pr delyverance pr upon the ſd day Ordained the wryts mentioned in the ſd petition to be put in the Clerks hands and that the Earle of Kincardine & his prörs ſee & anſuer the petition agt the firſt day on qth the Parliät ſhall think fit to proceed upon private cauſes. Accordingly the prörs of the ſd Earle of Kincardine having ſein the ſd petine they returned the Anſuers pr to following viz. The ſaid Lady Mary Cochran and her Husband pretending Right to the dignity &c. [*Here take in the Anſwers &c. to the cloſe*] Whilk Petition & Anſwers thereto abovewritten being upon the day & date of thir pũts read heard ſein & conſidered by his Grace her Ma. high Comr & the eſtates of Parliät & they pr with being well & ripely advyſed His Grace her Ma. high Comr & the ſds eſtates of Parliät Have Remitted & hereby Remit the petitioners Cauſe to be ſummarly diſcuſsed befor the Lords of Seſsion And Ordained & hereby Ordain the wryts in the Clerks hands to remain therin Reſerving all defenſt agt delyvery to be determined by the ſaids Lords of Seſſion as accords.

VII MARTII, M.DCC.VII.

REMIT anent Dr George Stirling of Lethem

Unto his Grace her Majeſties high Commiſsioner, and the moſt honourable The Eſtates of Parliament

The Petition of Doctor George Stirling of Lethem

Humbly Sheweth

THAT whereas from the time of the Meeting of Convention of Eſtates in Anno 1689, by the Space of two years and ane half, The deceaſt George Stirling Chirurgeon Apothecary in Edinburgh your Petitioners father, was not only Imployed in Attendance upon, and furniſhing Medicaments to the Priſoners of the Government, and others concerned therein Such as Kendle taken coming from Ireland, Strachan a Prieſt, Mr Thomas Gordon ſometime Regent in Glaſgow, Eſquire Paine, Colonel MacGrigor and his ſervants, Provincial Serjeant in Sir Thomas Livingſtones Regiment; But alſo, all thoſe that were wounded at Killichranchy, with many others, as occaſion offered. And seeing your Petitioner's ſd deceaſt father did, during the ſd Space, moſt readily beſtow his pains, gave his attendance, cure, and furniſh Medicines to the ſds perſons, as he was then from time to time ordered and appointed by the Privy Councill, and theſe in the Government for the time; And thereby ſupplyed the place of his Majeſties Chirurgeon and Apothecary, who is in uſe to Receive 100. lib. Sterling yearly of Sallary by and attour his payment of the Medicaments and Drugs.

May it therefore Pleaſe your Grace, and moſt Honourable Eſtates of Parliament, To take the premiſes & your Petitioner's Circumſtances to your ſerious conſideration And seeing your Petitioner's father did, during the Space forſaid of two years and ane half, at the time when the ſame was most requiſite, Supply the place and office of her Majeſties Chirurgeon & Apothecary, And was at great Expenſes for Medicaments to the ſick and wounded by and attour his ſaid pains and attendance, To order the payment of ſuch a ſoume as your Grace, and moſt honourable Eſtates ſhall think ſuitable for my ſaid father's Pains, Attendance and Medicaments, during the Space forſaid, out of the funds allocat

For

for Payment of the Arrears of the Army, or any other effectual fund;

And your Petitioner shall ever Pray &c.

Gi. Burnet.

Edr 7 March 1707.

Her Majeſties high Commiſsioner & ye Eſtates of Parliament haveing heard this petition they Remitt to ye Committie to conſider ye ſame and to report yr opinion anent to ye Parliament.

SEAFIELD Cancellar. I. P. D. P.

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PROTECTION in favors of George Dundaſs Merchant in Edinburgh

To His Grace James Duke of Queensberry Her Majestys High Commiſsioner and the Right Honourable the Estates of Parliament

The Petition of George Dundaſs Merchant in Edinburgh,

Humbly Sheweth,

THAT I the said George having in order to procure my liberty cited my Creditors conforme to the prescription of the Act of Parliament 1698 anent Protections His Grace her Majesty's then High Commiſsioner and the Right Honourable the Estates of Parliament did upon the 25th of Auguſt 1704 grant to me a personal protection to the nixt Seſsion of Parliament inclusive, and that for the reasons following.

1mo That I being Creditor to Bonhard, for the principal Sum of 25000 merks with Annualrents since Candlemas 1700, and likewiſe engaged as Cautioner for him for upwards of 40000 lib. to his other Creditors, who have not only Bonhard's own Estate as a Fund towards their payment but have also by their Diligences affected the said 25000 merks and Annualrents, which is all the Stock I had, for subsisting myself and my numerous Family; so that in effect the distreſs I ly under, is not for my own proper Debt, but allenarly for the said Cautionry, in order to the satisfaction whereof, the said 25000 merks due by Bonhard to myself is exposed, as well as the remaining value of his Estate.

2do That Bonhard the common debitor being at liberty, and in poſsesſion of the Estate by vertue of a Tack set to him by the Lords of Seſsion for the behoof of all his Creditors; it is with all submiſsion humbly conceived, that I who am only Cautioner for him should have perſonal freedom; seing my whole Fortune is in his hands, and is to be applyed towards the satisfaction of my saids Cautionries as said is.

3tio Bonhards Creditors to whom I am engaged as Cautioner, being conſcious to themselves, that perſonal execution againſt me could be of no import, but rather obſtruct their payment by hindring me to follow any Imployment, and from looking after the application of Bonhards Eſtate for the satisfaction of his debts, the moſt part of them did conſent to the ſaid protection, as their conſent in proces does teſtifie.

And seing Bonhards affairs are not yet brought to a period, by the Ranking and Sale of his Eſtate depending before the Lords of Seſsion at the inſtance of his creditors, albeit they uſe all poſsible diligence for that effect: And the forsaid Reasons, which in that Seſsion of Parliament, did prevail for granting a protection to the then nixt Seſsion of Parliament, are humbly hoped to be more prevalent now with your Grace and Lordſhips, to grant a continuation of the said protection they haveing still that same force which they had formerly, nothing haveing since occurr'd to alter them, that so your petitioner may be still in a capacity to attend the finishing of the said Ranking and Sale for payment of the said debts.

May it therefore pleaſe your Grace and the Right Honourable the Estates of Parliament, to continue and renew the forſaid Protection, till your Grace and Lordſhips shall be pleaſed to recal the same, or for such a certain time as you shall think fit; especially seeing I am willing to dispone to the said Creditors the forsaid principal sum of 25000 merks and Annual rents yrof for their further satisfaction.

And your Petitioner shall ever pray, &c.

Geo: Dundas.

Edinb. 7 March 1707.

Her Maties high Commiſsioner & the eſtates of Parliat haveing heard this petitione They renew & continow to the petitioner the perſonall protectione granted in his favoures in the year Im vijc & four agt the perſons & in the termes yrin mentioned for the space of seaven yeares after the dait heirof the petitioner allwayes subſcryving & giveing in to the Lord Register a diſpoſitione to the subject within mentioned in the termes of this petitione before extract.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of the Town of South Queensferry

Unto his Grace Her Majesties high Commiſsioner and the Right Honourable the Estates of Parliament

The Petition of the Magistrates and Toun Counſell of the Burgh of South Queensferry for themſelves and in name and behalf of the Comunity of the said Burgh

Humbly Sheueth

THAT your Petitioners having ſome years agoe fallen upon ane good and profitable Enterpriſe to the building of ane harbour And being convinced that any common Stock of their own was not sufficient to effectuate such a great and good design did, upon the thoughts that the Profits arising from the same might be a mean to Satisfie all that ſhould be expended therupon, Borrow Sixteen hundred merks out of the Sea box fourteen years agoe And We not being able to pay principal nor annuallrent yet resting are a heavie burden upon your Petitioners by reason of the late and present wars wherin we Sustained great loſs of Our Ships by privateers and other misfortunes at ſea Which with our harbours present ruinous Condition and our want of any common good Oblidges us to apply to your Grace and Lops that we may be in a condition to pay our debt, repair our harbour and prevent the utter ruine of our Burgh.

May it therfor pleaſe your Grace and Lops to take your Petitioners caſe above represented to your ſerious Consideration And that ſeing there is no common good for payment of debt already contracted or for repairing and upholding the harbour already gone to ruine That your Grace and Lops would be pleaſed to allow us to exact ſhore dues within the bay and harbour of South-queensferry So far as the Priviledges of the said Burgh do now or ſhall extend in time coming Conforme as the same is payed and exacted at Bruntisland or any other Royall Burgh on Fife side having ſhore dues for freeing of your Petitioners of theſe Incumbrances and repairing and upholding of our said harbour And your petitioners ſhall ever pray.

Edr 7 March 1707.

Her Mäties high Commiſsioner & the Estates of Parlt having heard this petition They Grant the deſire of the Petition to commence from the first day of Aprile next.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of William Pyet his Kinsmen and Relations

Unto his Grace Her Majeſty's high Commiſsioner, and Right Honourable the Eſtates of Parliament.

The Petition of William Pyet for himſelf, and in name and behalf of his other Kinſmen and Relations of the Nickname of Pyet,

Humbly Sheweth

THAT your Petitioners Predeceſsors, were of the Sirname of Graham, and through the unhappy Difference, that in the laſt Age, did frequently fall out betwixt Clanns; They, by their Neighbours, were forced from their Native Reſidence, and obliged to Cover themſelves under the Sirname of Pyet. And We having by certain Tradition, the True Account of Our Origine, & Sirname of Graham: And We being Earneſtly Deſirous to be Reſtored, and make Uſe of the ſame in all Time coming; which We cannot do, having Trade both at Home and Abroad, without a Publick Act, whereby the Traders with Us may be Certiorat.

May it therefore pleaſe Your Grace and Lordſhips to allow Us to Aſsume and Uſe Our Ancient Sirname of Graham; and to Diſcharge the Ignominious Nick-name of Pyet, in all time coming. And Your Petitioners ſhall ever pray.

Edinb: 7 March 1707.

Her Mãties high Commiſsioner and the Eſtates of Parli^t haveing heard this petitione They grant the deſire p^rof and alloues the petitioners to aſsume & uſe their antient furname of Graham and diſcharges the nickname of Pyet in all tyme comeing.

SEAFIELD Cancellar. I. P. D. P.

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PROCEEDINGS in the Proces The Lady Breadisholm younger against The Laird & Lady Breadisholm elder.

(1) Summonds Roſe Murehead against James Murehead of Bredisholme

ANNE Be the Grace of God Queen of Great Brittain France and Ireland defender of the faith To our lovits

macers or meſsengers at armes our sherriffs in that part coũlie and seãllie specially conſtitute Greeting Forasmuch as its humbly meand and ſhowen to us by our lovit Roſe Murehead relict of the deceaſt James Murehead younger of Bredisholme That where she haveing intented ane action of aliment befor the Lords of our Councill and Seſsion in name of her self and children againſt James Murehead elder of Bredisholm her father in law, and her Childrens Grandfather our saids Lords by their interloquitor the fyfteenth day of February I^m vij^cv and sex years refused ane aliment to the Complainer and her Children dureing the dependance of the Exhibition and declarator at their inſtance againſt him And upon ane petition given in by the Complainer reclaiming againſt the said interloq^r Their Lordſhips upon the twenty seventh day of the said moneth of February adhered thereto By which two interloquitors the Complainers judged themſelves very much wronged and leaſed and therefor proteſted for remeid of Law to us and our High Court of Parliament And seing the said Complainers are deſyreous to proſecute their said proteſtation for remeid of Law before us & the estates of Parliament Our will is Herefor and we charge you strictly and command that incontinent thir our letters ſeen ye paſs and in our name and authority peremptorly summond warn and Charge the said James Muirhead elder of Bredisholm and Sir James Juſtice Clerk to the said proces personally or at their dwelling places if within the toun of Edinburgh upon fourty eight hours wairning or if elſo where within this Kingdom upon fyfteen dayes wairning or if furth p^rof at the mercat croce of Ed^r peir and shoar of Leith upon sixty dayes wairning To Compear befor our high Commiſsioner and the sds eſtates of Parliament at Edinburgh or where it shall happen them to be for the tyme the second day of October nixt to come in the hour of Cauſe with continuation of dayes to anſwer at the inſtance of the saids Complainers That is to say bringing with them Exhibiteing and produceing befor our said Commiſsioner and the estates of Parlia^t the foirſaid proces interloquitor and haill grounds and warrands p^rof interloquitors and delyverances pronounced by the saids Lords of Councill and Seſsion and to hear and ſee the points complained of Redreſsed and justice adminiſtrat p^rin and if need beis to hear and ſee all lawfull and neceſsar probation led and deduced in the sd matter & give p^r oaths of verity upon such points as shall not be otherwayes proven or elſe to ſhew ane reaſonable Cauſe in the contrair with Certification to them if they faillie our sd commiſsioner and eſtates of Parlia^t will determine p^rin according to justice and for the Coast ſkaith and damnadge the Complainers may any wayes suſtain therethrow Attour that ye laẅllie summond wairn & Charge

to Compear before our ſaid high Court of Parlia^t or committy p^rof and as our sd commiſsioner and the eſtates shall ſee cauſe to bear leall & soothfast witneſsing in the sd matter in ſwa far as they know or shall be speared at them under all higheſt pain & Charge p^t after may follow as ye will anſwer to us p^rupon The which to do we commit to you coũlie & seãllie our full power by thir our letters delyvering them by you duly execute and indorſat again to the bearer Given under our ſignet at Edinburgh the tenth day of Auguſt and of our reigne the fyfth year, 1706.

Ex deliberatione dominorum officiariorum status ſecundum actum Parlia^to.

18 Septem^r 1706. Jo: Mackenzie.

Ed^r 3 octob^r 1706.

The within defe^rs wer called by a maſſer conform to the fũ^s & executions at the Patent gate of the Parl^t houſe after opening therof befor the sifting of the Parl^t Sr Archibald Sinclare compearing for the purſ^r & none compearing for the defe^rs.

Ed^r 10 octo^r 1706.

The within defe^rs wer called by a maſser conform to the fũ^s & executions at the Patent gate of the Parl^t houſe after opening therof befor the sitting of the Parl^t Sr Archbald Sinclare compearing for the purſ^r & Mr James Grahme for the defe^rs.

(2) Minuts and Interlocutor in Parliament The Lady Breadisholme ag^t The Laird & Lady Breadisholme

Ed^r 7 March 1707.

Sr Francis Grant for the purſ^r reſum'd the Summonds & craved not onlie to be reponed ag^t the Dec^t abſolvito^r in favors of the Defers pnunced by the Lords of Seſsion bot that she may have the aliment neceſſ^r for herſelf & her two fatherleſse orphans according to the concluſion of her Sumonds.

Sir Walter Pringle for the Defers alleʒit that the purſ^rs marriage being caryed on without the defers knowledge or conſent & whatever fortune she had was not only ſpent bot twelve thouſand merks of the Defers money ſent to her houſband befor their coming to Scotland 2° The aliment allow'd her houſband by the Lords of Privy Counſell was given with the quality of demanding no furder aliment 3^io Ther can be no colour or pretext of aliment for the children in reguard they are taken home by the Defer at leaſt he being willing to aliment theſe no ſeparat aliment ought to be modified to them 4° There is no law wherin an aliment to a dau^r in law can be founded 5to She may be very weel alimented by her own natural mother who has the liferent of a considerable eſtate wherof the purſ^r having the fie ought naturally to have her aliment from the liferentrix of her eſtate &

noways of the defers who having bot a ſmall eſtate to live on can in no juſtice be found obleit to aliment the purſr.

Grant reply'd that the defers having acknowledged the purſrs houſbands right upon oath ought with much more juſtice obtain an aliment modified to her than the young Counteſs of Seaforth obtain'd by the juſtice of the Parlt in the caſe of abstracting of the rights wherupon her liferent ſecurity of her Joynture did depend and as to the children it were the hardeſt thing in nature to tear them from the mothers breaſt in a country where ſhe can after the houſbands death have ſo little comfort So that the caſe of the aliment in queſtion is moſt favorable both for the purſr and her children.

Grahame Duplyed that the defers having offered to aliment the children ought to be preferred to that duty & abſolzied from any modificaon in ſo far as concerns the children And as they had deponed & denyed the houſbands right & never had any part of the purſrs pretended portion bot on the contrare contributed too liberally for the purſrs & the houſbands expenſ after the marriage it wer agt all law & reaſon that they ſhould be put to more loſſe and expenſ by that unprofitable marriage on pretence of ſo groundleſs an aliment.

Her Mäties high Commiſſioner & the Eſtates of Parlt having adviſed the debate with the writs pduced Abſolzie from the aliment & Adhere to the Decreet pnunced by the Lords of Seſsion for that effect.

SEAFIELD Cancellar. I. P. D. P.

(3) Decreet James Muirhead of Breadisholm against The Lady Breadisholm younger.

ANENT the Summonds on ane proteſt for remeid of law raiſed & perſued Befor his Grace James Duke of Queenſberry her Mäties high Commr and the right honoll the Eſtates of Parliament at the inſtance of Roſe Mureheid alias Fincham relict of the deceiſt James Mureheid younger of Breadiſholme agst James Mureheid elder of Breadiſholme her father in law Making Mention That qr the ſd Roſe Mureheid having intentit ane action of aliment befor the Lords of Council and Seſsion in name of herſelf & children agst the ſd James Murehead elder of Breadiſholme her father in law & her childrens grandfather The ſaids Lo. by pr Interloqr the 15 February 1706 years Refuſed ane aliment to the ſd Roſe & her children during the dependance of the exhibin & declarator at their inſtance agt him & vpon ane petition given in by her reclaimeing agt the ſd Interloqr Their Lops upon the 27th day of the ſd moneth of Febry Adhered therto By qch tuo Interloqrs the purſr judged herſelfe very much wronged & læſed & prfor proteſted for remeid of law to her Mäty & her high Court of Parliät And ſeing the ſd purſuar was deſyreous to proſecute pe ſd proteſtaon for remeid of law befor her Mäties high Comr & Eſtates of Parliät Therfor to have heard decreit & ſentence given & pronounced be pm printill in manner underwten And anent the charge & citaon given to the ſd James Mureheid elder of Brediſholme To have compeared befor his Grace her Ma. high Commr & the eſtates of Parliät at ane certain day bygone bringing with him exhibiting & produceing befor pm the forſd proces interloqr & haill grounds & warrands prof interloqrs & delyverances pronunced by the ſds Lords of Council & Seſsion & to have heard & ſeen the poynts compleaned of redreſſed & juſtice adminiſtrat prin & if need bees to have heard & ſeen all lauu & neceſſar probaon led & deduced in the ſd matter & to have given his oath of verity vpon ſuch poynts as ſhould not be opr ways proven or elſe to have ſhown ane reaſonable cauſe in the contrare wt certification to him if he faillied his Grace her Ma. high Commr & Eſtates of Parliät wold determine prin according to juſtice As in the forſd Summonds for remeid of law & execuon prof at length is contained The ſaid Roſe Mureheid alias Fincham perſewar of the forſd Summonds for remeid of law Compearing by Sr Francis Grant & Sr Ard Sinclare advocats her prors who for her produced in preſence of his Grace her Ma. high Commr & the Eſtates of parliament The wryts & documents after rehearſt viz. Imp. Articles of agreement indented and made between pe ſd deceiſt James Murehead yoür of Breadiſholme prin deſigned of pe paroſh of St James win pe liberty of Weſtminſter Eſquire on pe one pairt and Roſe Fincham of pe paroſh of St Dunſtans in pe weſt widow mopr to pe ſd Roſe Muirhead alias Fincham on pe opr pairt Narrating pt qras pr was mariadge lately had and ſolemnized betuixt pe ſd James Murehead yoür & pe ſd Roſe Fincham yoür prfor it was agried by pe ſds articles between pe ſds pairtys contracters pt he pe ſd James Muirhead yoür for himſelf ſhould covenant promiſe & grant as he prby covenanted promiſed & granted to & wt pe ſd Roſe Fincham yoür pt he ſhould & willed by his laſt will & teſtament in wryting or by ſome deed or wryteing dewly executed well & ſufficiently to give ſettle & ſecure unto & upon his ſd wyfe in caſe ſhe ſhould happen to ſurvive him all & singular pe ſtock cattle goods & chattels of qch he ſhould be poſſeſsed & intituled to pe tyme of his death and ſhould ſettle & aſsure or cauſe or procure to be well & ſufficiently conveyed ſettled and aſsured according to pe laws and cuſtome of Scotland unto & upon pe ſd Roſe Fincham his wyfe (in caſe ſhe ſhould happen to outlive & ſurvive him) his lands tenements & hereditements in pe Kingdome of Scotland of pe clear yearly value of 250 lb beyond repryſes as & for pe joynture of his ſd wyfe & in lew & full recompence of and for her dowry & in caſe he ſhould dye wtout conveying or ſettling pe ſds lands tenements & hereditements for her joynture as aforſd & in caſe pe ſd ſtock cattle goods & chattells of qch he ſhould dye poſſeſsed of & qch ſhould be ſetled upon & come to pe poſſeſsion of his ſd wyfe after his death ſhould not be appryfed & amount unto pe full value of 2000 lb Sterling pn pe airs & exers or adminiſtrators of pe ſd James Muirhead ſhould & willed win ſix moneths after his deceiſe well & trewly pay or cauſe to be payed unto pe ſd Roſe Muirhead her exers & adminiſtrators at or in pe midle temple hall of London ſuch ſoume & ſoumes of lauu Engliſh money as ſhould make pe value of pe perſonall eſtate of qch pe ſd James Muirhead ſhould dye poſſeſsed & qch ſhould come to pe hands & poſeſsion of his ſd wyfe amount to pe full & compleit ſoume of 2000 lb Ster. in maner at lenth ſpeit & contained in pe forſds articles of Aggriement dated pe 19 Decer 1700 years It pe extract of ane diſpoſition granted be pe ſd deceiſt James Murhead yoür of Breadiſholme to his ſd wyfe bearing date pe 9th May 1704 qrby he ſurrogats subſtituts & appoints & gives to her his full ryt to all & every thing he had or could have had if on lyfe as fully & amply in all maner & reſpects as if every thing were prin inſert at large & did prby appoint her his ſole exerx & adminiſtratrix in maner meñt in pe ſd diſpoſition regrat in pe books of Council & Seſsion conforme to pe act of Parliät made anent probative wryts pe 7th of July 1705 It Eleven ſcall unſubt Miſsive Letters direct from Brediſholme elder to Breadiſholme yoür of pe dates tennors & contents prin meñt It five opr Letters ſubt by James Murhead elder of Breadiſholme direct to the ſd Roſe Fincham as Lady Breadiſholme yoür pairtly congratulating her mariadge wt his ſon begging God almighty who had added her to pe number of his children pt he would be pleaſed to give her pt great bleſsing of receaveing her unto pe number of his adopted children & pairtly deſyreing her & his ſd ſon to come to Scotland to live wt him in ſamely qr they ſhould be receaved welcome in maner more fully ſpeit in pe ſds Lers of pe ſcall dates prin expreſt It ane opr Letter under pe ſubone of Mrs Hellen Stewart Lady Breadiſholme elder direct to pe Lady Breadiſholme yoür her daür in law qrby ſhe relates pt ſhe profeſsed a kynd ſimpathie wt all women in her caſe & much more to her ſd daür in law being ſo near a relation to her & near her delyvery of child birth praying God to bleſs her & hers & to ſend her ane happy delyvery dated 24 Auguſt Im viji & years Item produced in preſence of his Grace her Maties high Commiſsioner & eſtates of Parliät the extract of ane

Dec^{t} Abſolvitor pronunced by ꝑe Lords of Council & Seſsion in favours of ꝑe ſd James Muirhead of Breadiſholme elder in ane action of aliment commenced & proſecuted befor ꝑ^{m} at ꝑe inſtance of ꝑe ſd Roſe Muirhead alias Fincham relict of ꝑe ſd deceiſt James Muirhead yoũr of Breadiſholme Walter Muirhead appearent air to ꝑe ſd deceiſt James Muirhead his ſap^{r} & Urſilla Muirhead his ſiſter ag^{t} ꝑe ſd James Muirhead elder of Breadiſholme tuitching the ſd James Muirhead elder of Breadiſholme to have heard & ſeen himſelf decerned & ordained be dec^{t} of ꝑe ſds Lords to make pay^{t} to ꝑe ſd relict of a competent aliement commenceing from ꝑe death of her ſd huſband & ꝑafter to continow dureing all ꝑe days of her lyfe tyme at leiſt dureing ꝑe dependance of ane action of exhibition & declarator calling for production & delyvery of ane diſpoſition conceaved in favours of ꝑe ſd deceiſt James Muirhead yoũr of Breadiſholme of ꝑe ſie of ꝑe ſd eſtate & to make pay^{t} of ꝑe expences of her inlying & sicklyke to make pay^{t} to the ſd Walter & Urſilla Muirheads children to ꝑe ſd defunct of ane competent aliement to ꝑ^{m} dureing ꝑ^{r} minority commenceing from ꝑ^{r} ſap^{rs} deceiſe as ſd is By which decreit the ſds Lords of Council & Seſsion modified 200 lb Scotts to be payed to ꝑe ſd Roſe Murhead for ꝑe expence of her inlying & ꝑe childrens bygone aliment and decerned Breadiſholme elder to make pay^{t} to her ꝑ^{r}of betwixt ꝑe date of the ſd dec^{t} & ꝑe firſt day of May ꝑ^{n} nixt & in caſe he failȝied in punctuall pay^{t} ꝑ^{n} decerned & ordained him to make pay^{t} of 40 lb Scots more upon ꝑe account forſd But ꝑe ſds Lords refuſed to modifie anie aliement to ꝑe ſd purſuers children for tyme comeing in reſpect of Breadiſholme elder his offer to take ꝑe children home to his own houſe to aliement ꝑ^{m} ꝑ^{r} or to herſelf dureing the dependance of her ſd proces of exhibition and declarator and Abſolȝied Breadiſholme elder ꝑ^{r}from accordingly And upon reclaimeing ag^{t} ꝑe ſd Interloq^{rs} by a petition given in by ꝑe ſd Roſe Muirhead alias Fincham et Anſuers made ꝑ^{r}to for Breadiſholme elder The ſds Lords of Council & Seſsion refuſed ꝑe deſyre of her ſd petition in maner at lenth ſpẽit et con^{t} in ꝑe ſd dec^{t} abſolvitor dated ꝑe 22 Feb. 1706 And q^{ch} dec^{t} abſolvitor bears on ꝑe foot ꝑ^{r}of ꝑ^{t} ꝑe ſd Roſe Fincham alias Muirhead did upon ꝑe 28 Feb: 1706 Compear perſonally in preſence of ꝑe haill Lords & give in ane proteſt for remeid of law ſub^{t} by her of ꝑe tenor following viȝ That upon ꝑe 15 of ꝑe ſd month & year ꝑe ſds Lords upon report of ꝑe Lȏrd Crocerig Ordinary in ꝑe proces of aliement ãrelated were not pleaſed to modiefie any aliement to ꝑe purſuers by q^{ch} they thought ꝑ^{m}ſelves hurt ꝑ^{r}for proteſted for remeid of law but continowed ꝑe proces of exhibition befor ꝑ^{r} Lõps q^{ch} proteſt the ſds Lords admitted of courſe in maner ſpẽit in ꝑe ſd dec^{t} as ꝑe ſamen of ꝑe date forſd more fully bears Item ane Information for ꝑe ſd Roſe Murehead alias Fincham in relation to her proces of aliment ag^{t} ꝑe ſd James Murehead elder of Breadiſholme as the ſ̃ẽall wryts above produced in ꝑ^{m}ſelves more fully proport And the ſd James Murehead elder of Breadiſholme Compearing by Sr Walter Pringle & M^{r} Ja. Græme advocats his prõrs The forſaid Summonds for remeid of law & execu^{on} ꝑ^{r}of & wryts above mentioned produced for the ſd purſ^{r} Compearance made for both the ſds parties & diſpute underw^{t}ten proponed for ꝑ^{m} by ꝑ^{r} reſive prõrs being all at lenth read heard ſein and conſidered by his Grace her Ma, high Comm^{r} & the eſtates of Parliãt & they ꝑ^{r}with & with the dec^{t} abſolvitor before the Lords of Council & Seſsion being well & ripely advyſed his Grace her Ma, high Comm^{r} & the Eſtates of Parliament have Abſolȝied & hereby Abſolȝie the ſd James Murehead elder of Breadieſholme from the aliment and Declare him quite ꝑ^{r}of & free ꝑ^{r}frae in all tyme comeing and Adhered & hereby Adhere to the Decreit pronounced by the Lords of Seſsion for that effect Becaus by vertue of the forſd Summonds for remeid of law the ſd James Mureheid elder of Breadieſholme was upon the 16 Sept^{er} 1706 years lawfully ſummoned by James Wood meſſ^{r} By affixing and leaving ane full juſt & authentick copie of the ſd Summonds at his dwelling houſe of Daldowie becauſe he could not apprehend him perſonally after he had knocked ſex or ſeven ſ̃ẽall knocks at & upon the moſt patent door of his ſd houſe as uſe is bearing the day & date ꝑ^{r}of To have Compeared before his Grace her Ma, high Comm^{r} & the eſtates of Parlia^{t} at ane certain day bygone to have anſ^{r}ed at the inſtance of the ſd Roſe Murchead alias Fincham bringing with him exhibiting & produceing in ꝑ^{r} pũce the forſd proces interloq^{r} & haill grounds & warrands ꝑ^{r}of interloq^{rs} & delyverances pronounced by the ſds Lords of Council & Seſsion & to have heard & ſeen the poynts complained of redreſſed & juſtice adminiſtrat ꝑ^{r}in & if need beis to have heard & ſein all lau^{ll} & neceſſ^{r} proba n led & deduced in the ſd mater & to have given his oath of verity upon ſuch poynts as ſhould not be oꝑ^{r}ways proven or elſe to have ſhown ane reaſonable cauſe in the contrare w^{t} Certifica^{on}e to him if he failȝied They would determine ꝑ^{r}in according to juſtice as in the ſd Summonds & execu^{on} ꝑ^{r}of at lenth is contained; After elapſeing of the q^{ch} day of compearance to q^{ch} the ſd De^{r} was ſummoned as ſd is the forſd Summonds for remeid of law was upon the 3^{d} day of October 1706 years called by a macer at the patent gate of the Parliãt houſe after opening therof before the ſitting of the Parliãt in the terms & conform to the act of Parliãt [1695] yeirs at q^{ch} tyme the ſaid Sr Ar^{d} Sinclare advocat compeared as prõr for the purſuar & the defender being three ſ̃ẽall tymes called on by ane macer as uſe is compeared not Therafter upon the 10th day of the ſd month of Octo^{r} & year forſd the ſd Summonds was again called in the terms of the ſd act of Parliãt by ane macer at the patent gate of the Parliãt houſe after opening ꝑ^{r}of befor the ſitting of the Parliãt at q^{ch} tyme the ſaid S Ar^{d} Sinclar advocat compeared as prõr for the purſ^{r} and the ſd Mr James Græm advocat compeared as prõr for the Defẽr To whom the ſd Summonds executions ꝑ^{r}of & wryts ãproduced were given out to ſee & q^{ch} accordingly were ſein & returned by him & ꝑafter came in this day to be called in preſence of his Grace her Ma, high Comm^{r} & the eſtates of Parliãt where parties compearing as ſd is The ſd Sr Francis Grant advocat prõr for the purſ^{r} Reſumed the Summonds for remeid of law & craved not only to be reponed ag^{t} the dec^{t} abſolvitor in favors of the Defẽr pronounced by the Lo, of Seſsion But that ſhe may have the aliment neceſſar for her ſelf and her tuo fatherles orphans according to the concluſion of her Summonds Wherupon the ſd Sr Walter Pringle advocat prõr for the Defẽr alleadged that the Purſuers marriadge being carried on &c. [*Here to take in the Minutes to the Interloq^{r} Then say*] The forſd Summonds for remeid of law execution ꝑ^{r}of & wryts forſ^{d} produced for the ſd Purſuer & decreet abſolvitor in favors of the Defẽr from the aliment perſewed for befor the Lords of Seſsion w^{t} the compearance made & diſpute above written proponed for both ꝑties by their reſive prors all in manner above expreſt being at lenth read heard ſein & conſidered by his Grace her Ma, high Comm^{r} & the eſtates of Parliãt and they ꝑ^{r}with being well & ripely advyſed His Grace her Maties high Comm^{r} & the eſtates of Parliament Abſolȝied the ſd James Mureheid elder of Breadieſholme from the aliment and Adhered to the decreit pronounced by the Lords of Seſsion for that effect.

X MARTII, M.DCC.VII.

ACT in favours of Captain Colin Campbell Captain Charles Stewart & Lieutenant Robert Turnbull

Unto His Grace James Duke of Queensberry Her Majesties high Commiſsioner and ꝑe Honorable Eſtates of Parliã^{t}.

The Petition of Captain Coline Campbell, now in the Marquefs of Tilliebardines Regiment, Captain Charles Steuart and Lieutenment Robert Turnbull in the Laird of Grants Regiment

Humbly Sheweth

THAT we haveing from the love to our native Countrey in the year 1699 Gone aboard of the Ships belonging to the Indian and Affrican Company, which Sailled from the river Clyde to Darian,

after our arrival there Indured all hardships and misfortunes Suffered by those that went along with us in that expedition, where I the said Coline Campbell served in the quality of a Captain, and I the said Charles Steuart tho lifted a Liv^t outward on my Captains deceafse was advanced to his poft and Command of the Company And I the faid Robt Turnbull being a Liv^t alfo outward in þe first expedition Suffered all the extraordinar hardships and inconveniencies that befell us before we deferted the said Collonie Yet returned back again when þe samen was taken poſſeſsion of the Second time and was wounded in the Shouldier in a conflict betuixt the Spangiard and thoſe in the companies Service under the Command of Fanab I commanding his Vanguard.

After the capitulation and surrendry of the said Collonie Wee the said persones and about fyftein more being on board of the Little Hope in order to our returne to Scotland were by Streſs of weather Shipwrack on the coast of Cuba, and taken Priſoners by the Spangiard, without any respect to the Capitulation and carried Priſoners to Havanna where we were detained near five moneths And from thence Put aboard in the Gallownes and ſent to Caddes in Spain where we were detained Priſoners in a moſt miſerable and calamitous condition for the Space of near o^{br} five moneths Dureing which time we were obliged for our Suſtinence to Sell our very Shirts And at laſt being diſmiſsed returned to Scotland without one Sixpence in our Pockets, Which is well knowen to sẽall of the Directors of the said Company for the time, Who not being then in caſh were not able to repair us of our greivous loſses Suſtained in p^r ſervices.

Your Petitioners Doe now humbly lay hold on that part of þe Commities report to your Lõps; whereby they were of opinion p^t a certain part of þe companies effects yet remaining, ought to be applied for þe ſatiſfaction of thoſe who ſuffered in p^r perſones and goods in the companies Services as their Services Loſses and Sufferings doe juſtly merit: And we humbly beſeech your Lõps, to take to your Conſideration our foreſaid Sufferings and Loſses All of us haveing loſt any Stock we took with us from Scotland And p^t we went abrode meerly from our zeall for þe good of and our affection to our native Countrey w^{t}out any proſpect of us the said Colline Campbell or Charles Stewart our haveing any property of the Joint Stock of þe Company for our ſervices as the officers of the firſt expedition had actually tranſferred to them And p^t we Suffered alſo ſo conſiderable in our perſones as above And p^t dureing our impriſonment (tho we were in great neceſsity) we drew not one farthing on þe Company tho Credit was offered us by the English Conſul and sẽall merch^{ts} in Cades And p^t ye would have ane equitable regaird to our reparation by Stating us Crẽrs to þe said Company in such Sumes as your grace & Lõps, in your wiſdom and generoſity ſhall think fit And for that effect to recommend us to thoſe who ſhall be intruſted with the payment of the Companies debts And your Petitioners shall ever pray. Ch: Stewart.

Edinb: 10 March 1707.

Her Mãties high Commiſsioner & the Eſtates of Parli^t haveing heared this petitione They grant to ilk ane of the three petitioners within named the ſoume of ane hundreth pound Starline out of the dead ſtock belonging to the company and Recommends to the Commiſsioners to be named for diſpoſeing of the equivalent that the petitioners be payed of the faids ſoumes out of the said fond.

SEAFIELD Cancellar. I. P. D. P.

XI MARTII, M.DCC.VII.

ACT in favours of William Montgomery servitor to the Lord Chancellor

Unto His Grace Her Mãties High Commiſsioner And The Right Hono^{ll} The Eſtates of Parliãt

The petition of William M^{t}gomery Servitor to My Lord High Chancellour

Humbly Sheweth

THAT q^r your petitioners eldeſt bro^r Hugh M^{t}gomery younger of Borland having w^t great charges made proviſion to goe abroad in þe Company of Ships for Darien And having gone accordingly he dyed in þe expedition to þe unspeakable loſs of his friends & family And Seeing your Grace and þe Right Hono^{ll} The eſtates of Parlia^t have taken into Consideration the Loſses of o^{br} in þe lyke caice, The defunct having Served as a Land officer in þe Company Commanded by Capt Andrew Stewart w^{t}out having received any pairt of his pay and that þe natural claim p^{r}of does now belong to your petitioner his immediat younger bro^r.

May it Therefor pleaſe your Grace and the Right Hono^{ll} The eſtates of Parliãt in lyke manner to take the premiſses to Conſideration and to Grant allowance to þe petitioner out of þe dead ſtock of þe Company or any o^r way your Grace & Lõps ſhall think fit in liew and recompence of my s^d deceiſt bro^{rs} pay and ſervices And your petitioner ſhall ever pray. Will: Montgomrie.

Ed^r 11 March 1707.

Her Mãties high Comiſſioner & the Estats having heard this Petition Ordain the ſũme of fyfty pounds Sterling to be payd to the petitioner out of the above ſtock for his above ſervice.

SEAFIELD Cancellar. I. P. D. P.

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REPORT and Recommendation by the Committie [on the Darien Claims] in favour of certain persons therein named; And Remit in favour of the representatives of Alex^r Ogilvie & others and concerning the Dead Stock of the African Company.

Ed^r 11th March 1707.

THE Committie having Examined the Documents produced befor them for Instructing the Loſses and Sufferings ſuſtained by Hugh Scott Thomas Simpſone John Graham David McDonald and John Liddle who continowed in the Collony of Dariane after the same was deserted And likewayes the case of Robert Pinkertoune John Malloch James Graham Mr Coline Campbell brother to the Laird of Monzie Andrew Livingstoune Chirurgion and Henry Camerone Chirurgione and Thomas Barker in Bruntisland who were taken prisoners at Carthagina and many of þ^m Suffered great hardships in Spaine As also having Considered the Sufferings of Sr Robert Hay Hugh Scot bro^r to Gallowsheills Patrick Edmostoune son to the Laird of Ednem and Capt Urqhairt for their services to the Company The Committie do recommend the s^{ds} fornamed persones to the Parliam^t that they may modefie such a soume to ilk ane of þ^m for their Loſses and sufferings in the Companys service as they shall thinke fit to be payed out of the dead Stock belonging to the Company.

As also the Committie having examined the accompts of James Montgomery merc^t in Glasgow for the soume of seavintie one pound 6 ß 8 d Sterl William Arbuchill merc^t there for 68 lib 8 ß 2 d Starling James Whitherspoone merc^t there for 25 lib and Wm Thomsone Chirurgion p^r for 33 lib 9 ß 10 d Starling Conforme to the Accompts and Instructiones p^{r}of given in since the stating of the last accompts of the Companys debts the Committie are of

oppinione that the s^{ds} four debts extending to the Soume of Tuo hundreth fyftie eight pound four shill^{s} 8 d Sterline ought to be payed out of the dead Stock belonging to the Company.

Hadinton I. P. C.

Edinb: 11 March 1707.

Her Mãties high Commiſsioner & the eſtates of Parlãt haveing heared the within report They approve that pairt p^{r}of q^{ch} relaites to the payment of the within four debtes found due to the p̣ſons within named extending in all to tuo hundreth fyfty eight pound four shill^{s} eight pennies Starline and p^{t} out of the fond of the Companies dead ſtock And lykewayes approves the op^{r} pairt of the report and grant the remander of the Companies dead ſtock after payment of the thrie hundreth pound Sterline alloued for making up the accompts of the African Company and the thrie hundreth pound Sterline alloued to Capt Campble Capt Stewart & Lyv^{t} Turnbull and fyfty pound Sterline alloued to Enſigne Wm Montgomrie by a delyverance of this dait and the above ſoume of tuo hundreth fyftie eight pound four shill^{s} eight pennies for the above four debtes To be applyed & devyded among the perſons mentioned in the within Report and among the repreſentatives of Alex^{r} Ogilvie Andrew Broun Capt Alex^{r} Montgomrie & of Hugh Roſs and no more by ſuch proportiones as the Committie ſhall think fit to whom they remitte the determina^{o}ne p^{r}of.

SEAFIELD Cancellar. I. P. D. P.

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REPORT of the Committee anent the Coin

11 : Feb^{ry} 1707.

IT is the opinion of the Committee That for Changeing the Coynage of the Current money in this kingdom The Commiſsioners of the Equivalent should be ordained how soon so ever the sums for the Equivalent shall be lodged in p^{r} hands to receive in all sums of money conſiſting of Money that hath paſsed the mint of this Kingdom and all Forreign species (except Engliſh money) current w^{t}in this kingdom and ſhall immediatly cauſe pay out of the Equivalent in Engliſh Money at five ſhillings p Croun the equall sum in taile to what was payed in of the forsaid money preſently current in Scotland to the perſon who payed in the said Scots money and p^{t} immediatly w^{t}out delay loſs or defalcation.

It is also the opinion of the said Committee that for making up the loſs to privat perſons p^{t} they may ſuſtain by the English money as it is now current within this kingdom when the samen ſhall be reduced to the ſtandart of England at five ſhillings per Croun That particular Magiſtrats be appoynted at the places following viz Edinburgh Perth Aberdeen Stirling Linlithgow Glasgow Air Hadintoun Dyſart Anſtruther eaſter Dumfreis Inuerneſs Jedburgh Wigtoun Elgine Tayne before whom all perſons are by Proclamation to be required to Compear upon one and the same day and p^{r} tell doun in preſence of the said Magiſtrat what Engliſh money they have and which being ſo numerat the Magiſtrat to seall the same and detain it in his preſence till sex of the Clock at night that day and immediatly deliver back the same to the owner with a declara^{o}ne ſigned by the Magiſtrat befor two witneſses bearing the sume exhibited and enumerat by every perſon Together w^{t} the ſume payed out by the pairty to the teller effeiring to 20 pence upon the twelve hundred pounds Scots and the s^{ds} reẍive Magiſtrats are likeways to write doun ane exact account of the reẍive Certificats granted by him and of the perſons names to whom and ſums p^{r}incon^{t} and which accompt subscribed under his hand that same day befor two witneſses He is to be ordained to send to the Clerks of the Privy Councill under the penalty of 500 Merks and the Proclamation to be Publiſhed upon the premiſses is expreſsly to Diſcharge under a ſevere penalty ſuch as the pain of forgery or op^{r} pains the receaving any money in upon any op^{r} day after the preciſe day appoynted by the Privy Councill or altering any Certificats formerly granted and the s^{d} Proclamation is to bear ane expreſs Clauſe Discharging the Engliſh money to paſs at any higher rate than it is in England at five ſhillings the Croun and so proportionally and p^{t} it be no op^{r}ways current nor offered nor received in payments after the said day and that the s^{ds} Certificats granted by the reẍive Magiſtrats ſhall be a ſufficient title for recovering the loſs aryſing from the ſume p^{r}incon^{t} w^{t} what they payed out to the teller out of the Equivalent and the Commiſsioners for the Equivalent are to be expreſsly ordained to pay the same to the bearer of the said Certificat w^{t}out delay loſs or defalcation and p^{t} the Proclamation be publiſhed only eight days before the s^{d} precise day abovementioned to be fixed for telling of the money by the Magiſtrat.

Haldane I. P. C.

11 March 1707.
This report read in Parlia^{t}.

XIII MARTII, M,DCC.VII.

RECOMMENDATION in favours of the Laird of Grant

Unto His Grace, Her Majeſt^{ie}s high Commiſsioner, and the Right Honourable, The Estates of Parliament

The Petition of Grant younger of that Ilk, in name and behalf of his father

Humblie Sheweth

THAT Your Petitioner haveing applyed to the last Parliament, concerneing the Loſses sustain'd by me, through the Incursions of Highlanders and other Rebells joyning with them, after the late Revolution, and the Damnadges done by the regular forces in lying and Encamping upon my lands, &c.

That Parliament Ordained probation to be taken thereof, before p̣e Commiſsioners of Supply: Which being Reported to, and Examined by a Committee of Parliament; The same was thereafter Approven by the whole houſe.

And therupon Your Petitioner hath Extracted, and herewith produces ane Act and Recommendation of the Parliament approveing of the probation of my Loſses, and Recommending me to the late King for Reparation thereof.

And seeing by the Common rules of Justice, when any Person does Suffer, upon the account and in the Service of a Society; Especially when he is Imployed by the publict authority thereof, his Damnages ought not to fall solely to his own share.

May it therfor Please Your Grace, and The Honourable Estates, to make effectuall my Reparation in such manner as You shall Judge Expedient; Or at the least, to renew the foresaid Recommendation of the former Parliament, to her Present Majesty, and her Royall Consideration thereof.

And Your Petitioner shall ever Pray.

E.^{r} 13 March 1707.

Her Majeſties high Commiſsioner & p̣e Eſtates of Parliament haveing heard this petition Grant p̣e deſyre thereof And Recommend p̣e petitioner to hir Majeſties royall & Gracious conſideration for repaireing his loſses and damnadges contained in p̣e report.

SEAFIELD Cancellar.

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RECOMMENDATION in favours of Captain Thomas *Hay*

Unto his Grace, Her Majeſties High Commiſsioner, And the Right Honourable Eſtates of Parliament,

The Petition of Captain Thomas Hay.

Humbly Sheweth,

THAT Your Petitioner being Owner in a Scots Ship, Fraughted by ſome Dutch-men to Salley, Captain Butler Commander of the

Wolcheſter in England, did in anno 1702, ſeaze her in her Voyage, and brought her into Berwick, upon pretence that ſhe carried counter-band Goods.

But this was found falſe, upon a Report of my Lord Minto, then Clerk of Secret Council, who was ſent to make inquirie thereof, upon my Application to my Lord Duke of Queensberry, then her Majeſties Commiſſioner, And the moſt Honourable Privy Council.

Notwithſtanding hereof, Your Petitioner (for himſelf and his Partners) was oblieged to go and Apply to the Admirality of England, where tho' after long Dependence, and much Expenſes, the Ship was Releaſed, and upon the Faith thereof, Your Petitioner purchaſed her at an publick Roup, Yet there came a new Arreſtment: whereupon being Riffled of her Takling, ſhe lyes rotting in that Harbour to this day.

There were ſeveral other aggravating circumſtances, which I am unwilling to mention, Eſpecially at a time when it is ſo Requiſite that Irritations betwixt thoſe of both Nations ſhould be rather covered then remembered.

Yet it is Humbly Repreſented, that Your Petitioner by the vaſt Damnages ſuſtained hereby, And the want of his Arriers (for which he ſerved ſo Faithfully at Home and Abroad,) is Reduced to pinching neceſſity, after the ſame had occaſioned the Diſorder of his private Patrimony and Trade, by which he thought to improve it; Whence it is humbly Hoped,

1mo. That the Parliament may conſider my Damnages. Subjects who are to be protected, having no other Remedie againſt the Oppreſſion of publick Perſons in an other Government; except they be Redreſſed by their own.

Eſpeciallie ſeing that the Government has ſo generouſlie interpoſed, and ſatisfied themſelves, by Inquirie of the Juſtneſs of his Cauſe: and a private Man, in the circumſtances to which theſe Hardſhips have Redacted him, cannot be capable to obtain Redreſs.

2do. It is Humbly Hoped, That they will the rather conſider the premiſſes, in regard that Your Petitioner was ſo long in the Service (from the Revolution to the Peace at Reſwick) and has been provided in nothing ever ſince; Notwithſtanding that many Occaſions have offered, and his Arriers remain unpayed.

And ſeeing it's now to be Determined what publick Debts are to affect the Equivalents.

May it therefore Pleaſe Your Grace, and Right Honourable Eſtates of Parliament, To Find my foreſaid Damnages (conform to an Accompt hereto ſubjoined) to be Liquid; And Declare the ſame a publick Debt: As alſo my Arriers; whereof the Accompt is hereto annexed, So as the ſame may Affect the Equivalent; In ſuch manner as Your Grace and Lordſhips ſhall Appoint.

And Your Petitioner ſhall ever Pray, &c.

In the Evidence of which Loſſes, the Accompt is hereto ſubjoined,

Accompt of Money that I have loſt by the Capture of the Ship, called, The Hope of Leith.

Imprimis, Payed out for Repriving the Ship at the Pryze Office, and Admirality Office at London, as per particular Receipts thereof, - - - - -	080 00 00
The Fraught of the ſaid Ship to Salley, as per Charter Party, was to have been 2800 Guilders, at 25 ſh: per Guilder, is in Sterling Money, - - -	291 13 04
Payed for Repairing the Ship at Berwick, as per particular Accompt and Receipt, - - -	250 00 00
Extending in all to -	621 13 04
Reſting to me of Arriers by the Publick in Scotland, as per particular Accompt, - - - - -	331 04 07
In Sterling Money, amounting in the haill to	952 17 11

As the s[d] Petition and account ſubjoined p[r]to bears.

Ed[r] 13 March 1707.

Her Mäties high Cömiſsioner & the Estates of Parl[t] having conſider'd this petition Declare the Petitioner's arrears to be a publick debt and Recommend him for paym[t] of his dämadges therin stated to her Mäties Justice & bountie in such maner as she in her Royal wiſdome shall think fit.

SEAFIELD Cancellar. I. P. D. P.

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PROCEEDINGS in the Proceſs Sir Patrick Home of Renton Advocat against The Earl of Home.

(1) Petition of Sir Patrick Home Advocat.

To his Grace her Majeſtyes high Commiſsioner and The Right honourable Estates of Parliament

Sir Patrick Home of Renton Advocat

Humbly Sheweth

THAT wheras the deceast Charles Earl of Home obtained a Decreet againſt me before the Lords of Seſsion freeing him from Compting for his own and his predeceſsors intromiſsions with the Rents of the Estate of Coldinghame belonging to me, And I having Proteſted for Remeed of Law to þe Queen & Parliament conform to the priviledge granted by the Claim of Right upon which I having Raiſed a Reduction of the forſaid Decreet before the Parliament upon þe severall grounds of Læsion therin contained, And the Parliament being now taken up with publick affairs of the greateſt concern So that they have not time to Diſcuſse the ſaid Reduction And it being ordinary to Remit Reductions of Decreets of þe Seſsion to þe Lords of Seſsion to be by them reconſidered As was done upon a petition given in by the Lady Douager of Belhaven Craving a decreet of the Lords of Seſsion to be Reſcinded & Reduced, And the Parliament Remitted to þe Lords of Seſsion to reconſider the ſaid Decreet, And to Reduce the ſamene upon such grounds & reaſons as they ſhould think just And that summarly without abyding þe Courſs of þe Roll And the like was done in þe Caſe of a Reduction at þe instance of Clara & Patricia Ruthvenes against Sir Alex[r] Hope as appears by þe Minuts of þe proceedings of Parliament þe 12th of July 1695 And many other instances may be given And by the Minuts of Parliament the 15[th] June 1693 it was ordered that all appealls made from þe Seſsion to the Parliät be Remitted to be reconſidered & determined by the Seſsion.

It is therefore humbly Craved that your Grace and the Estates of Parliament may be pleaſed to take the premiſſ[s] to your Conſidera[o]ne, And to Remit to the Lords of Seſsion the forſaid Reduction at my instance with power to them to Reconſider þe said Decreet And to Reduce and annull the ſamene upon such grounds of Læſion & others as they ſhall find just without regard to the said Decreet And to Diſcuſse the ſaid Reduction summarly without abyding þe Courſs of þe Roll. Pat: Home.

Edinb: 19 Novẽr 1706.

Her Mäties high Commiſsioner and the Eſtates of Parliament haveing heard this petitione read in ther preſence Ordaine the Earle of Hooms prõrs to ſie & anſuer the same.

SEAFIELD Cancellar. I. P. D. P.

Edinb: 7 March 1707.

Her Mäties high Commiſsioner & the Eſtates of Parlia[t] declare they will call & hear the cauſe at the petitioners inſtance ag[t] the Earle of Home the firſt day for privat buſienes

SEAFIELD Cancellar. I. P. D. P.

(2) Petition of Alexander Earl of Home.

To his Grace her Mãties high Comr & the right honorable the Eſtats of Parliãt

The petitione of Alexander Earle of Home and Mr James Home of Aytoune & pr curators

Humbly Sheweth

THAT Charles Earle of Home our deceaſt father had for many years bygone imployed Sir David Dalrymple of Haills as his advocate in the late depending Proceſs at Sr Pat Homes inſtance agt us, which proceſs having been finally Determined by the Lords of Seſsione and Sr Pat having proteſted to the Parliãt for remeed of Law that proteſtatne comes now to be Diſcuſt by this high and honourable Judicatorie, And this makes it neceſsarie for us to have warrand and allowance from your Grace and the right honourable the Eſtates of Parliãt That Sr David Dalrymple may advyſe conſult and plead for us in the fd mater untill your finall Deciſione pin.

May it pfor pleaſe your Grace and the right honorable the Eſtates of Parliãt to grant your expreſs warrand to the effect ãment fieing your petitioners are not opwayes able to defend or ſupport pr juſt rights. Home.

Edinb: 10 March 1707.

Her Mãties high Commiſsioner & the Eſtates of Parlit haveing heared this petitione They grant the deſyre therof.

SEAFIELD Cancellar. I. P. D. P.

(3) Minutes in the Proceſs Sir Patrick Home agt the Earle of Home.

Actores Se. Grant & Grahame

Alteri Dalrymple Sen. & Nasmith.

Home repeats his Libell being a Summons before the Parliament on a proteſt for Remede of law for reducing a Dect obtained before the Lords of Seſsion on the 25th of June 1700 at the inſtance of the Earl of Home agt him And alledged That the Earl of Bothwell having right to the Abbacy of Coldinghame disponed the same to his son John Steuart Sr Patricks Grandfather And being afterwards forfeited in pe year 1592, The Earl of Home obtained a gift of his forefeiture, But pt pe right to John Steuart being before committing pe crime for which his father was forefeited, He the ſaid John in the 1621 was reſtored by way of Juſtice and obtained a new erection of pe lordship of Coldinghame, That afterwards John Steuart and his friends by a contract betwixt them and the Earl of Home in pe year 1621, & renewed in pe 1623 was by the interposition of King James oblidged to pay to the said Earl £4000 Ster. and to give an infeſtment of annual rent of £300 Ster. yearly to him and the heirs male of his body as a composition for the said forfeiture That the Earl having accepted of his own teinds of Auld Cambus for £100 Ster. of the Annuity and the other £200 being unpaid from the 1621, to pe 1629, He obtained a Decreet of poinding the ground for these 8 years which occaſioned a second Contract in the year 1631 By which John Steuart and his friends were obliged to pay to the Earl pe extent of the said 8 years annuity being £19200, in June 1632 or otherwayes to enter him to the poſsefsion of the said Eſtate of Coldinghame With this proviſion that the rents of the Estate to be received should not be compted in paymt of the sum but only for the ãrents of the same and for the said £200 of current annuity, and the Earl was to renunce his poſsefsion and all right he had by virtue of that contract so soon as he was paid of that sum but prejudice of his infeſtment and right of annuity foresaid. That this Earl of Homes Grandfather as having right from the heirs of line of the Earl of Home pe Contracter haveing in the 1643 after ceasing of the annuity by pe Contracters death wtout heirs male obtained a Dect of poſsefsion of the Estate on the said contract last abovemt He and his heirs have ever since poſseſt the whole for pt small sum of £19200, And that therefore St Patrick as having right by progreſs from the said John Steuart his Grandfather and Francis Steuart his Granduncle to whom John had disponed pe Estate pursued befor the Lords agt the Earle of Home a Compt and reckoning concluding a Declarator that pe £19200 was satisfied and payed by Intromiſsion with the rents In which proces the Lords by Interloquitor the 26 Janry 1699 found that the Earles poſsefsion by virtue of the Contract 1631 could not make him comptable after ceasing of the annuity And found that the Earle was not obliged to ascribe his poſsefsion to the Decreet 1643 only But that he might impute it to any right in his perſon and found that the Contract in the year 1623 is not uſurary And now Sir Patrick conceiving himſelf lesed repeats and inſiſts in his reaſons of Reduction following 1mo That the clauſe in the contract 1631, providing that the rents to be received by the Earle should not be compted in payment of the said £19200, but only for the payt of the ãrents of that Sume and of the current annuity by which the poſsefsion is declared to be for two cauſes and one of them to wit pe annuity having ceased by the death of the Earle wtout heirs male of his body the corresponding poſsefsion must also cease and the Superplus rent be imputed in payt of the prinll sume of £19200, or otherways the Earles continueing to poſsefs the whole estate after one of the cauſes of his poſsefsion had ceaſed was groſsly usurious contrair to the Laws by which all bargains for greater Interest and profite for the loan of money than the ordinary rate are declared Usury 2do The Earle haveing accepted of the tiends of Auld-Cambus for £100 of the said annuity When the Annuity became extinct that £100 by the contract 1631 returned to John Steuart And yet the Earle still continued to poſsefs thefe tiends and befor obtaining his decreet of poſsefsion in the 1643 did in the year 1642 grant a Discharge pof for 9 years preceeding by which a great part of the £19200 was payed befor the Earle came to poſsefsion And tho it had been all resting yet the Decreet of poſsefsion in the 1643 Decerning the Earle to poſsefs the whole rents for that sume when the other cause of his poſsefsion had ceaſed was expreſsly contrair to the Contract 1631 appointing his poſsefsion for both cauſes, and therefore intrinſically null And further Francis Steuart Sir Patricks Granduncle who then had right to the Estate by a disposition from his Brother was not called in the proces whereon that Decreet proceeds and therfor it was *res inter alios* as to him and Sir Patrick who now comes in his right 3tio The Decreet freeing the Earle from being accountable for his bygone Intromiſsions was most precipitantly extracted in so far as the laſt Interloqt upon which it proceeds being past in the afternoon about sex acloak at night the Decreet tho above 300 Sheets of Paper was extracted that same day by which Sir Patrick was precluded from any further application to the Lords for a Redreſs and pfore Craved the said Decreet pronounced by pe Lords of Seſsion may be reduced and pt he may be reponed *in integrum* agt the same.

Dalrymple answered that the Decreet of the Lords of Seſsion complained upon is most legally and well founded, and Sr Pat. has no title to purſue this action for Sr Rot Home of Rentoun who is the eldeſt brops son is heir of line to John & Francis Steuart and any right Sr Pat. has is pe pretended Disposition granted by his brops Sr Alext Home to him yet *sub judice* by a dependence before pe Lords of Seſsion and it is a groſs mistake that the Earle of Bothwell was denuded of the Abbacy of Coldingham in favours of his son John Stewart befor the commiſsion of the Crimes for which he was forfeit and that the said John Stewart was reſtored *ex justicia* and so had any right at all which did not depend on the E. of Homes for the truth is the E. of Home haveing obtained a Gift of the Earle of Bothwells forfaulture and John Stewart being therafter restored *ex gratia* had no other way to come to the estate of Coldingham than by a Transaction wt the Earle of Home pe Donator And therfore the 1st Contract was not made by way of Composition but upon fair

agreement sex moneths prior to the Acts of Parliament 1621 in favours of John Stewart and wch Acts could never have been obtained in violation of the Earles right without his concourse And when the first Contract in the 1621 had failed by John Stewarts not performance the E. of Home renews the Contract in the same terms in the 1623. By which Contracts the £4000 St: is payable in different moyetys and likeways the £300 of annuity was to be payed to him as said is and it is provided That in case of failzie of any of the moyetys or annuity the Earl was to have regreſs to the poſſeſsion ay and while he were payed of the haill sums *fructibus interea perceptis in sortem non computandis* which being the speciall condition and quality under which the E. of Home denudes of his property He therupon obtained in the year 1630 a Decreet of regreſs to his poſſeſsion for not payt of the last £1000 of the £4000, So pt its plainly answered to the firſt reason of Reduction That the Earle of Home had another title of poſſeſsion then the Contract 1631, and Decreet in the 1643 following thereon And tho by that Contract he is bound to renounce his poſſeſsion Yet its in these words It is Poſſeſsion by virtue of the Contract viz for the £19200 and the current annuity which did not prejudge his other rights by the former Contracts 1621 & 1623 and Decreet of regreſs in the 1630 & he might poſſeſs by virtue of all or either of theſe rights as he thought fit And its clear that when the Earle first disponed his property he might adject what qualitys he pleaſed which are no harder than clauses irritant and resolutive in Feus and therfor in this Case cannot infer Usury which can only be where there is a Loan of money And this serves also to take off Sir Patrick's Second reason of Reduction founded on the pretended Intromiſsion wt the teinds of Auldcammus Because all that poſſeſsion was after the Decreet of Regreſs 1630 and so he was not accountable and it could never extinguish and next the pretended Discharge produced is granted by St Robert Douglas of Blackerſtoun with consent of the Earl of Home to the Counteſs of Home by which its evident since the Earl is only consenter That the duety was payed to Blackerſtoun for the Earl of Bothwells Children And to the third reason of reduction its answered That as the Decreet quarrelled was juſtly pronounced so it was fairly and warantably extracted And it appears from the date of it which is the 25 June and the date of the extracting which is the 23d July That Sir Patrick wrought by Petitions to the last moment and repeated with the same Importunity and aſsurance the same things that had been severall times repelled And when the Decreet was twice or thrice ready to be extracted Sr Patrick by new applications procured stops and at last a Hearing after he had protested for Scrolls and Scrolls had been offered him And it was no wonder that the decreet which was so often ready to goe out was after a proces of 40 years at last extracted Yea further Sir Patrick haveing recently complained after strict examination the Lords were satisfied that there was nothing irregular or preposterous in Extracting the said Decreet And lest Sr Pat. pretend to withdraw his proceſs the Earl repeats his proceſs agt Sr Pat. for inſiſting before pe Parliat or pt his appeal may be declared fallen And pt the Parliat may adhere to pe Decreet of pe Seſsion and aſsoilzie from pe appeal & reduction pron.

Grahame replyed pt pe Objection agt Sir Pats. title is a groſs Calumny seeing pe Estate of Coldinghame belonged to his Grandfapr John Steuart And Sr Patrick has right to pe ſame by disposition from his Cusine Francis Steuart Johns grandchild who haveing no Children disponed his whole Estate to Sr Pat. But more particularly Replyed That the Earle of Home could not ascribe his poſſeſsion to the Decreet of regreſs for the £1000 St: in the year 1630. Because the Contract 1631 & Dect pron in pe 1643, being the only title by virtue wherof he entred to poſſeſs he could not ascribe his poſeſsion to any opr and he was *in mala fide* to poſſeſs by virtue of pe Dect 1643 because pr was Reduction pof raiſed wtin 6 months after it's date Next the Decreet 1630 was prescribed *non utendo* & it and the Contract wherupon it proceeds was usurious to allow the poſſeſsion of an Estate of 12000 ſilk yearly for £1000 St. for pe haill sum in pe Cont was but £4000 Ster. qrof £3000 was paid And by the Contract 1631 the Earle was expreſsly obliged upon payt of the £19200 and ārents prof to renounce his poſſeſsion And in the last place the sd £1000 Contained in the Decreet 1630 was certainly payed as appears by these evidences 1st a Tack set by the King to Sir William Dick of the Lands of Orkney The tack duty wherof for 5 years is aſsigned to John Stewart and his friends and the debts due to the E. of Home on the Estate of Coldinghame is appointed to be payed in the firſt place out of them 2do The Contract 1631 being posterior to the Decreet 1630, If that £1000 Ster: had been then due it would certainly have been so expreſsed in pt Contract 3tio By the Contract 1631 the E. was to renounce on payt of the £19200 Scots Reserving only his infeftment of annuity wheras if the £1000 Ster: had been then due it would have also been reserved 4to There is a Contract betwixt John Stewart & his friends in the 1633 and another in the 1635 proceeding on a Compt and Reckoning and bearing that the forsd sum of £4000 St: was payed to the E. of Home 5to If the £1000 St: had been resting in Anno 1643 The E. would certainly have lybelled upon it as well as the Contract 1631 wherupon he then obtained the Decreet of poſſeſsion and 6to Thers a Disposition of the tiends of Stitchell granted by John Stewart with consent of the E. of Home bearing the price to have been payed at John Stewarts desire to the E. of Home and albeit the E. does not subscribe the disposition yet this Earls father after succeeding to the Estate amply ratifies the same in the year 1639 which as effectually oblidges him for the price as if he had subt the said Disposition which bears the money to have been payed to him.

Duplys Nasmith That its a mistake in fact That the Earle of Home entred in poſſeſsion by virtue of the Decreet of Regreſs in Anno 1643 For he did not attain to poſſeſsion till 1648 And then haveing equall right to two titles of Regreſs viz the Decreet 1630 & Decreet 1643 and not haveing declared his mind by wch of them he attained the poſſeſsion It was lawfull for him to ascribe the poſſeſsion to both or either of them as he pleased And its absurd to pretend that the titles of a person poſſeſsing shall prescribe *non utendo* And it was certainly lawfull for the E. without the danger of usury to denude himself of his own property under what conditions he thought fit as was done by pe Contracts 1621 & 1623 And as to the Earls obligement to renounce upon payt of £19200, The former answer is opponed, That he is only to renounce his poſſeſsion by virtue of that Contract which no ways could prejudge his other rights And as to the presumptive paymts of pt £1000 Ster: cont in the Decreet 1630 Its Duplyed That the tack and aſsignation of pe tack duty of Orkney & pe Contracts betwixt John Stewart and his friends upon which Sir Patrick would found this presumptive payt are writes *inter alios* in which the E. had no concern And its of no moment That the Contract 1631 makes no mention of the £1000 Sterline nor is it therby reserved And that the decreet 1643 is not founded theron Becauſe *illic non agebatur* the E. haveing a Decreet of Regreſs and Band or opr Security for that Sume and so there was no neceſsity to inſiſt for any further Security by the Contract 1631. Wheras the bygone annuitys being a dead ſtock and the E. haveing the opportunity to accumulat it by an appriseing John Stewarts friends had reason to enter into the Contract 1631 Besides the Argument turns as easily the other way for if the £19200 Scots was all that remained of the great accompt due to the Earle the time of the Contract 1631, It was but common Prudence so to have expreſsed it, which being omitted, strongly presumes, that Contract only concerns that separat sume, & was not for the Ballance of the whole affair And as to the disposition of the tiends of Stitchell They were sold by John Stewart and his friends and Stitchells right compleated by Charter and Saiſine But becauſe it had been first intended that the E. of Home should have been conſenter, as pe Disposition narrates, and was to have received the money Therfore many years after that Stitchell had enjoyed his tiends and John Stewart had got the price And after the E.

of Home who is narrated as Consenter to the disposition was dead his Succeſsor was prevailed with gratuitously and upon a narrative of Inferring only love and favour to grant a Ratification of John Stewarts disposition to Stitchell and consequently he and not the E. alienat the teinds and received the money.

Edinb: 18 March 1707.

Her Mäties high Commiſsioner and the Estates haveing advyſed the within debeat with the decreit & op^rs wreats produced They adheare to the decreit pronunced in the within cauſe by the Lords of Seſsion in favoures of the Earle of Hoome and Aſſoylzies from the proces of reductione at Sr Patrick Hooms inſtance on his proteſt for remeide of Law.

SEAFIELD Cancellar. I. P. D. P.

XVII MARTII, M.DCC.VII.

RECOMMENDATION in favours of Robert Martine of Burntbrae.

To his Grace, Her Majeſtys High Commiſſioner, and Right Honourable the Eſtates of Parliament,

Robert Martine of Burntbrae, late Tackſman of the Additional Inland Exciſe in the Shire of Aberdeen, impoſed by Act of Parliament 1693.

Humbly ſheweth,

WHEREAS by my Petition preſented to your Grace, and the Honourable Eſtates, in anno 1703, I ſhewed, That where upon my Entrie to the ſaid Tack, I met with certain Diſcouragements and Difficulties, by reaſon of Edicts Printed and Publiſhed in that Shire, whereof I do only here take notice, for your Grace and Lordſhips Information, but without any deſign of Complaining upon the Makers thereof, by which Edicts declaring the three Pennys upon the Pint, to be no better then twenty Shilling upon the Boll, and diſcharging the Brewers of the Non-entries they had incurred, I was prejudged to that degree in the Subject of my Tack, that I could not make up the Duty without my infallible Loſs and Ruin, which caſe being brought before the Lords of his Majeſties Privy Council, Their Lordſhips did find that I had ſuſtained the foreſaid Damnages, but thought fit to Aſſoilzie the Commiſſioners of the Shire, and only to recommend it to their care to ſee the ſame made up, if poſſible, betwixt and the tenth of September then enſuing, which day was purpoſly ſet, that in caſe of my Diſappointment in the Shire, which truly happened by reaſon of the change and break of Brewers, I might have my Recourſe to the Parliament, which was then to meet the eighth of the ſaid Month of September; which Recourſe I accordingly made, and thereupon obtained an Act of Parliament dated the eighth of October 1696 years. Wherein having laid furth my Damnages to the Parliaments Satisfaction, they Recommended me to the late King, for Reparation of my Loſſes, in ſuch way and manner as His Majeſty in His Royal Bounty ſhould think fit, as the ſaid Act of Parliament herewith produced bears. Upon which Recommendation, and ſpecially on this ground, that the principal Tackſman had advanced, and Compted for the whole Tack-duty without any abatement upon my ſaid accompt, I having Petitioned His Majeſty, obtained His Gracious Letter to the Lords of his Majeſties Theſaurie, requiring them to Examine and take Trial of my ſaid Loſſes, and to report, that His Majeſty might ſignify His further Pleaſure therein, as a double of the ſaid Letter (whereof the Principal is in the Theſaury) dated the firſt day of March 1699 years, bears; Which Letter being preſented to their Lordſhips, they were pleaſed to Examine my Accompts of my Intromiſſion with the ſaid Exciſe, by which it appeared that I fell ſhort of my Tack-duty, in the Sum of Ten Thouſand Nine Hundred and Thirty Nine Pounds as my Loſs: For which I was Recommended by the Parliament to His Majeſty, and thereupon the ſaid Lords of Theſaury found that I had ſuſtained Damnages in the Proſecution of my ſaid Tack, upon the Grounds mentioned in the Report. And therefore they did again lay my Loſſes before His Majeſty, to be Repaired in ſuch manner and way as He in His Royal Bounty ſhould think fit, as their Report of the Date the Third day of April 1699 years, herewith produced, bears, Which Report being accordingly laid before His Majeſty, and His Majeſty being alſo informed that the Fond upon which the ſaid Loſſes were ſuſtained, was fully accompted for, and I left under Legal Diligence and Diſtreſs, His Majeſty by His ſecond Letter dated the Nineteenth day of April 1701 years, thought fit to remit the Matter to the care of the Lords of the Theſaury, Authorizing and requiring them to take ſuch ways for my Satisfaction out of the Funds yet undiſpoſed of, as might effectually operat my Relief, or in caſe that ſhould not be done, that they ſhould lay the Matter before the Parliament as a Deficiencie for the end abovementioned, as a Copie of the ſaid Letter (whereof the Principal in the Theſaury) herewith produced bears. Which Letter being likeways preſented to their Lordſhips; They after Conſideration thereof, and in Complyance with his Majeſties pleaſure, in reſpect there was no Fond undiſpoſed of, out of which they could order my Relief, thought fit to lay my ſaid Loſſes before the High and Honourable Court of Parliament, as a Deficiencie for the end foreſaid, as the ſaid Act of Theſaury of the date the firſt day of January 1701, herewith produced, teſtifies. Likeas, in proſecution thereof, I did prepare my Repreſentation for the Parliament that sat the ſaid Moneth of January 1701, But by reaſon of the throng of publick Buſineſs, I could have no acceſs to a Hearing, all privat Buſineſs as is well known being then laid aſide, ſo that now indeed is the firſt opportunity that I have had for laying my Caſe before the Eſtates of Parliament, with the foreſaid Recommendations granted upon it.

And ſeing your Grace and Lordſhips may plainly perceive how from the beginning, without the leaſt fault or neglect upon my part, I did incur the ſaid Damnages, And that both the Lords of his Majeſties Privy Council, and the Eſtates of Parliament, and the Lords of Theſaury upon the King's foreſaid Letters, have again and again found that I ought to be Relieved thereof: It being evident that I was only ſubjected thereto, through my being Tackſman of a Subject that fell ſhort, notwithſtanding of my outmoſt Diligence, for the Cauſes above repreſented, and it is farder certain that the principal Tackſman, to whom I and my Cautioners are inevitably lyable, having payed up, and Compted for the whole Tack-duty, without any abatement, in regard that before hand they had compleated their Payments, this Burden that ſtill lyes upon me is manifeſtly a Deficient Fond, which the Eſtates of Parliament can only make good according to the foreſaid Recommendations, and which it is impoſſible for me to bear without being ſunk and ruined. Which Petition being adviſed by your Grace, and Eſtates the 6th of September 1703, Declared ye would take the ſame to your Conſideration, when the Parliament proceeded to the Fonds for the Forces, and the Arrears due to the Armie.

The Union with England now proceeding, and 398085 lib. 10 ſhil. Sterling being to be payed here for Defraying the publick Debts of the Kingdom, I humbly preſume that the foreſaid Sum of 10939 lib. due to me upon the Grounds foreſaid, is a good and juſt Debt, and does naturally and rationally affect that Sum to be payed by England, by reaſon that the Fond of the Exciſe ſet to me, falling in ſo far deficient without my fault, and yet the Tack-duty payed up, and the Forces maintained, I am in the ſame Caſe, as if the like Value were due to the Forces, and ſo ought to have the ſame preference out of that Money to come from England, as the Forces themſelves will have for their other Arrears, and to be firſt payed becauſe of my Advance, and unſpeakable Charges in recovering thereof, with Intereſt from the time of Advance. And 2do. The Liquors being now lyable to the Engliſh Exciſe, the Duty thereof will ſo enlarge that this my former Advance will be no great burden. And ſeeing I am at

preſent Farmer of the Exciſe of Aberdeen, and have no ſmall Difficulty by reaſon of the Scarcity of Money to lift up the Tack-duty, and now and then to give ſome ſmall Satisfaction to thoſe from whom I borrowed the foreſaids Ten Thouſand Nine Hundred Thirty Nine Pound, whereof my Creditors still continue the Truſt, in Confidence that as I continue Farmer of the Exciſe; Your Grace and Honourable Eſtates will allow me Retention thereof, that ſo I may give them Satisfaction.

May it therefore pleaſe your Grace, and Honourable Eſtates; ſeeing the foreſaid Sum Advanced by me, was for paying of the Army, to allow me Retention thereof in my own hands, out of the Exciſe of Liquors of the Shire of Aberdeen: Or if this cannot be ſpared at once, to allow me payment thereof, and of the Annualrents out of the Equivalent to come from England, and to Recommend me to the Commiſſioners to be appointed by Her Majeſty for Diſtribution thereof, for that effect, and your Petitioner ſhall ever Pray.

Edinb: 17 March 1707.

Her Mäties high Commiſsioner and the eſtates of Parlät haveing heared this Petitione They renew the Recommendatione formerly granted and of new Recommends the Petitioner to her Mätie for reparatione of his Loſses in ſuch way & maner as her Mätie in her royall bounty ſhall think fit.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of Sir George Hamilton of Tulliallan.

Unto His Grace, Her Majeſty's High Commiſſioner, and the Right Honourable Eſtates of Parliament,

The Petition of Sir George Hamilton of Tulliallan.

Humbly Sheweth,

THAT your Petitioner having repreſented to the Eſtates of Parliament conveened in Auguſt 1704, That there was owing to him, as General Receiver of the Funds of Supply and Inland Exciſe, and Pay-Maſter General of the Army, five years Salary, at Six Hundred Pound Sterl. yearly, conform to the Letters Patent granted by His late Majeſty, and Exped under the Great Seal of this Kingdom. The Eſtates of Parliament then Aſſembled by their Deliverance of the 23 of Auguſt the ſaid Year, remit to the Commiſſioners for Auditing the Publick Accompts, to conſider my Claim, and Determine therein as they ſhould find juſt.

Upon my Application to their Lordſhips, They did Conſider my Claim; and their Report Page 8th. bears, That your Petitioner was appointed Commiſſary and General Receiver, by a Commiſſion under the Great Seal, dated the 5th. of January 1691, with a Sallary of 600 lib. Sterling per Annum, Which Commiſſion bears an Expreſs Clauſe, That he ſhould continue in the Office till it ſhould be recalled, which did not happen till the beginning of the year 1697, whereby he has a juſt Claim to 5 years Salaries.

This part of the ſaids Commiſſioners their Report relating to your Petitioner, having fallen in to be Conſidered before the laſt Seſſion of Parliament, in the end of the Sederunt there is an Interlocutor of the Eſtates, recommending your Petitioner to the Lords of Her Majeſty's Treaſury, for Payment of what was due to him of bygone Sallaries during the time of his Service, to be inſtructed before their Lordſhips.

As to which, your Petitioner humbly begs leave to repreſent, That had he been then heard, he would have cleared to the moſt Honourable the Eſtates of Parliament, as he now does, That his Claim was found juſt by the Report of the Commiſſion for Publick Accompts, without Regard to the time of his Service; and the Ground their Lordſhips went upon, was, That your Petitioner's Letters Patent under the Great Seal, bore a Salary to be payed him Yearly, not reſtricting the ſame to the time of his Service: but ay and while the ſaids Letters Patent ſhould be recalled by his late Majeſty: And ſo it is, they were not recalled till the year 1697 (albeit the Lords of Treaſury in the interim Imployed other Perſons in the General Receiver's and Pay-Maſter's Place) and therefore the Commiſſion gave their Opinion, That the Petitioner's Claim was juſt during that time, whether he ſerved or not.

The Petitioner repreſents furder, That the Report of the Commiſſion ought to have been approven by the moſt Honourable the Eſtates of Parliament, becauſe the ſame is agreeable to Law, and the Lords of Seſſion their daily Practick, in ſua far as, that in all Proceſſes relating to Advocates and other Perſons Salaries for Services to be done, their Lordſhips do conſtantly Decern for bygones, till the Writ conſtituting the ſame be recalled, whether the Services were done or not, providing the Perſons, to whom the Salaries were due, were ready to perform the ſame; yea, even albeit they Imployed others therein, which exactly quadrates with the Petitioner's Caſe.

There is yet ſomething more ſingular in the Petitioner's Caſe, which makes the ſame moſt favourable, viz. he was, as is well known, the firſt Perſon that Engaged to make the Commiſſariot of the Army Practicable, and which he did to the great Eaſe of the Country, which was formerly greatly haraſſed till that Method became effectual, and his Salary was eſtabliſhed (with regard to what he did then undertake) till it ſhould be recalled tho' he had not ſerved the whole time.

May it therefore pleaſe your Grace and Lordſhips, to Reconſider this Matter, and not only to approve of the ſaid Commiſſioners their Report, ſtating me a Creditor to the Publick, in the Terms thereof; but alſo, to Recommend me to Her Majeſty for Paying in the way and manner, She in Her great Wiſdom ſhall Judge moſt proper.

And your Petitioner ſhall ever pray.

Edinb: 17 March 1707.

Her Mäties high Commiſsioner and the eſtates of Parliät haveing heared this petition They Recommend the petitioner to her Mäties Royall and gratious conſideratione to doe in the matter within repreſented as her Mätie ſhall think fit.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of the Profeſſors of the University of Edinburgh.

Unto his Grace her Majesties high Commiſſioner and the Right Honourable The Estates of Parliament

The Petition of the Profeſſors of the University of Edinburgh

Humbly Sheweth

THAT the Sellaries of the far greater part of your Grace and Lo, petitioners are leſs by one halfe then thoſe of any other of the Profeſſors in the reſt of the Universities of this Kingdome and the number of their Students are of late much decreased by the encouradgement that Gentlemen have to breed ther ſons in the Army and the small advantage they can propoſe by following Letters at home when all profeſſions are so numerous that the one halfe can hardly make bread So that it cannot but be evident to your Grace and honourable Estates of Parliament who are so weell acquainted with the present circumſtances of the University of Edinburgh And alſo with the dearneſs of all sorts of vivers & incident charges that your petitioners must be at by liveing here, That both our small Sellaries which we are aſham'd to mention and other emoluments, come far short of being a fond wherupon we can live anſuerable to our education and suteable to our profeſſion For seing that we are intruſted with the education of perſons of the greateſt quality in the Nation Your Grace and Lops: cannot but be convinced that all the care and pains that poſsibly we can be at in diſcharging of our duty towards

thoſe intruſted to us can have but very ſmall effect unleſs we be in a condition to live at such a rate in the world as may keep us from being dispised and falling into contempt Which will be the neceſsary consequence of our being obleidged to depend abſolutly upon the Students for our bare subſistance.

We had not given your Grace and Lops: the trouble of this our petitione were it not that we are perſwaded that the Magiſtrats and toun Counſell of Edr (of whoſe care and concern for us we are very sensible) are not in a condition to contribute any thing for our releif upon the account of the great debts and havie burdens that at preſent they ly under: Wherfor wee are obleidged out of meer neceſſity to apply to your Grace and honourable Eſtates of Parliament to whom other Univerſities as St Andrews having applyed in the lyke caſe have obtained a seaſonable releif And we doubt not but such regaird will be had to the Succeſs of our endeavours for the advancement of Learning in this Kingdome as that some method shall be laid doun for enabling us to contribute more ꝑto then poſsibly we can doe in our preſent circumſtances.

May it ꝑfor pleaſe your Grace and honourable Estates of Parliament to take this our petition to your serious consideration and in your Wiſdome find out some sure & effectuall fond for Augmenting yor petitioners sellaries in tyme coming: That so we may be in a condition to live something more anſuerable to our Station And may lykwayes be enabled better to diſcharge the truſt that perſons of all Ranks repoſe in us, then which ther can be none greater either in it's nature or conſequences seing that all nations doe oun that the fate of every Society depends upon the Education of youth therof.

And Your Petitioners shall ever pray.

Edr 17 March 1707.

Her Mäties high Commiſsioner & the estates of Parliät having heard and considered this petition with the grounds therof doe find that the petitioners are not competently provyded And that both in justice and for the good and well of the University of Edinbrugh and the honour of their reäive Profeſsions they ought to be competently provyded as the Profeſsors in uther Universities are And for that end doe most seriously Recommend them to her Mäties care and favour that effectuall course may be taken for settling better and competent provisions upon them out of such fonds as her Mätie shall be pleased to appoint.

SEAFIELD Cancellar. I. P. D. P.

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PROTECTION in favours of John Davie Brewer.

ANN By the Grace of God Queen of Grate Bretan France and Ireland Defender of the Faith to our Lovits

Meſsingers our Shiriffs in that part conjlie and ſcajlie Speciallie Conſtitute Greeting Forasmuch as It is humblie meaned and Showen to us be our Lovit John Davie brewar in the Pleaſants of Edinr That qr by severall miſsfortunes his affairs were goeing to confuſion and his Credit called in queſtion he did imediatly conveen his Creditors and opened his condition unto pm and befor parteing he made over all his effects to them without reſerveing any thing to his poor family but qt his Creditors ſhould think fitt of pr oun goodneſs to allow him in cace pr wes no reverſion after payt of the debts and amongſt his opr effects he hes ane conſiderable quantitie of victuall qch if sold at this tyme will yeald ane small pryce but if manufactored by brewing will produce ane conſiderable soume to the Creditors and they are so sensible of this pt they have appoynted ane factor for pt end and have deſyred him to aſsiſt him by his advyce and oprwayes but the factor only to have the Intromiſsion with the money yet pr are some of his Creditors who still reſolve to truble his perſon tho he hes disponed all as above and pt his liberty in overſeeing the breuarie untill the victuall be manufactored will undoubtedly tend to the advantage of the Creditors as the far greatest pairt of them are convinced which cannot be remeided but by ane protection to his persone Wherfor neceſsar it is to the said John Davie Breuar in the Pleasents of Edinburgh To have warrand by our Commiſsioner and the said Eſtates of Parliament for derecting Summonds at his Instance for his Creditors aftermentioned in maner and to the effect after specified Our Will Is heirfore and we charge yow straitly and Command that incontinent Thir our letters seen ye paſs and in our name and authoritie lawfullie summond warne and charge the said John Davie Breuar in the Pleasants of Edinburgh his Creditors aftermentioned viz Collonel George Wiſheart of Cliftonhall Mr John Menzies of Cambo Advocat William Cunningham tennent in West maines of Caringtoun John Clerk in Hivetts miln Agnes Watterſtoun Relict of Alexr Allan brewar in Potteraw George Steuart indueller in Pleaſents George Watſon taillor in St Marywynd Katheren Handyſyde relict of Duncan McMillion tailior pr James Thomson mert in Canongate James Hay mert in Edr John Wattſon mert pr James Dalgleiſh Wryter in Edr Mary Erſken relict of James Hair Drogiſt in Edr Niccol Livingſtoun Cordner in Edr Elisabeth Padge indueller in Edr Robert Dryſdale mert in Edr James Haiges tennent in Lonhead Michael Allan mert in Edr Robert Pringle of Symmingtoun Patrick Campbell Wryter in Edr James Simson tennent in Brunſtoun William Ovens tennent in Eaſthouses James Earle of Seafield Lord High Chancellour of Scotland John Scott of Gibliſtoun Earle of Roxburgh Archbald Earle of Roſeberry Mr Patrick Montcreiff of Riedy John Warrock servitor to ꝑe Laird of Barefoot David Eaſle of Leven Ronald Campbell Wryter to ꝑe Signet Sir David Dalrymple Advocat Sir Hugh Cunningham late Proveſt of Edr Mr William Johnſtoun of Sheens Mr William Boyle Wryter in Edr Beſsie Fair indueller in Edr Mr James Ingles of St Lenards Anderſone baxter in Edr David Stoddart tennent in Edgefield Patrick Mathie tennent in Strattons miln William Handyſyde tennent in Nedderie Mark Ovens tennent in Eaſthouſes William Broun Saidler in Grange gate syde Arthour Reid vintner in Edr and Robert Hutton baxter ther in manner following viz Such of them as are within the Toun of Edr upon fortie eight houres wairneing and if else where within the Kingdome (except in Orkney or Zetland) upon fifteen dayes wairneing and if in Orkney or Zetland upon fortie dayes wairneing all perſonally or at their Duelling places and if furth of the Kingdom be open proclamatione at the mercat croſse of Edr and pear and shore of Leith upon sixtie dayes wairneing and ꝑe Tutors and Curators of such of pm as are minors be open proclamation at the mercat croſs of and opr places needfull to Compear before us or our high Commiſsioner and Eſtates of Parlit at Edr or qr it shall hapen them to be for the tyme the threed day of March nixt to come if it be laufull and faillieing ꝑof the nixt laufull day ꝑafter with continuation of dayes To answer at the inſtance of the said John Davie Breuar in the Pleaſants of Edinburgh in the matter underwritten That is to say the saids haill Creditors ñamed and the Tutors and Curators of such of them as are minors for pr reäive Int ers to hear and see the said protection granted to the said John Davie Breuar in the Pleaſants of Edinburgh for the Reaſons and Cauſes following viz. That Mr Davie did inſtantly after his being attacked by some Crërs wt dilligence call his wholl Creditors together and told pm that he was satisfied to diſpone and make over to pm his wholl Eſtate heretable and moveable for payt of their debts and pr for craved a Supercedere of Dilligence for a short tyme All this was done and ꝑe Crërs should conſider upon the methods of pr oun payt out of his effects and accordingly he obtained a Supercedere from ꝑe most pairt Likeas de facto he did diſpone in favors of his Creditors his Eſtate hered & moveable wtout reſerveing ane six pence to himſelfe and this Diſpoſition is publickly intimat and the

Crẽrs were so far satiffied with the integrity and ingenuity of ꝑe Debitor Mr Davie that they appointed a Commitie of ꝑmſelves for manageing the effects diſponed to ꝑe common behove of ꝑe Crẽrs who accordingly met and appoynted a Factor who hes found caution and is in poſſeſsion for the Crẽrs behove and Mr Davie doeth not middell nor intromet with any thing and if it were not for the ignorance and willfulneſs of a few small Crẽrs that will not concurr with the rest but threaten to goe on in dilligence Mr Davie needed not to have troubled the High Court of Parliament for a protection From all qch it is evident that a protection ought to be granted seing he has diſponed all his effects heritable and moveable and the impriſoning of his perſon can give no ſatiſfactione to any Creditor except to satiffie ther humour and that the factor viz. John Moodie who hes found caution is actually in poſſeſsion for the Creditors behove and more eſpecially seeing the effects diſponed will in a short tyme fully at leaſt very near satiffie the whole Creditors

and opꝛs to be proponed and alledged at diſcuſsing heirof and the saids Creditors to give in ꝑr objections why the said protection should not be granted conforme to the said Act of Parliat and daily practiq in the lyke caces in all poynts and sicklyke to hear and see all neceſsar probatione led and deduced in the premiſses with Certification to them if they faillie &c. according to Juſtice as ye will anſuer to us therupon The whilk to doe we commit to you conllie and seallie our full power be thir our Letters delyvering ꝑm be you duly execute and indorsed again to the bearer Given under our Signet at Edr the tuintie second of Januarie Im vijc and seven years and of our reign the fifth year.

Ex deliberatione Dominorum Parliamenti

5 Febry 1707. Al. Gibſone.

Edinb: 17 March 1707.

Actor Gellie alteri abſent.

Gellie repreſented that the Purſr had cited his creditors in the termes of the Act of Parliat and repeated the grunds of his Summonds & craved a perſonall protectione to the Purſr in the terms of the lybell.

Her Maties high Commiſsioner & the eſtates of Parliat haveing advyſed the lybell They grant a perſonall Protectione to the Purſr againſt the creditores mentioned in the execons for all civill debts due by the Purſr to them and ꝑt for the ſpace of seaven yeares from the dait heirof The Purſr allwayes conſigning a diſpoſicone of his eſtate in favoures of his Creditors cited befor extract.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of John Henry Huguetan.

Unto His Grace, Her Majeſties High Commiſſioner, And the Right Honourable, The Eſtates of Parliament,

The Petition of John Henry Huguetan and Captain John Aitkine his Factor,

Humbly Sheweth;

THAT where your Petitioner having formerly applyed to your Grace, and Right honourable the Eſtates of Parliament, for a Protection to my Perſon and Effects, the ſame was granted as to all Debts not contracted to her Majeſty's Subjects, or the Subjects of her Majeſty's Allies, in manner and to endure conform to the deliverance upon my former Petition.

But the Perſon to whom I entrusted to give an account of the ſtate of my Caſe did by miſtake Repreſent that my retiring out of France, had happened in the Moneth of April, whereas the ſame happened in the Month of July 1705, and a great part of the hardſhips that were impoſed upon me fell out in that tyme; And ſeeing the reaſon of the Protection granted in my favours is founded upon theſe Hardſhips and my Retreat, I do moſt humbly again yet apply to your Grace and Lordſhips, that in place of the Month of April mentioned in your Grace and Lordſhips laſt Deliverance; I may have Protection for my Perſon and Effects, againſt my Creditors, for ſuch Debts as were Contracted in the Moneth of July the ſaid Year 1705; this miſtake being the only thing that has hindered me before this time, to Tranſport my ſelf into Scotland.

May it therefore pleaſe your Grace, and the Right Honourable the Eſtates of Parliament, to allow me Protection against all Creditors, for Debts Contracted before the foreſaid laſt day of July 1705; under the Exceptions and Proviſions mentioned in the former Delyverance.

And your Petitioner ſhall ever Pray. Jo: Aitkine.

Edr March 17, 1707.

Her Majeſtys High Commiſſioner And the Eſtates of Parliat having heard this petion They allow the petiner Protection agſt all creditors for debts contracted befor the laſt day of July Im vijc & five years under the excepons & proviſions menned in the former deliverance of Parliat in favours of the petiner.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of Sir Robert Blackwood James Nairn William Neilson & several other owners of the Ship the St Andrew.

Unto his Grace Her Majeſties high Commiſſioner, and the honourable Eſtates of Parliament,

Sir Robert Blackwood late Dean of Guild, James Nairn preſent Baillie, William Neilſon preſent Dean of Guild, Alexander Baird late Baillie, William Jaffray late Theſaurer, Gavin Plummer, Robert Forreſt, Patrick Crawford, Samuel Chalmers, Ralph Charters, James Marjorybanks, Charles Charters, all Owners of the Ship St. Andrew and her Cargo,

Humbly ſheweth,

THAT the Ship St. Andrew, belonging to your Petitioners, whereof Charles Charters was Commander, being fully loaden with Wine and other Commodities, and plying her Voyage homeward to Leith was ſeized by a *Middleburgh* Privateer in the Moneth of April 1706 and adjudged Prize: and ſhe and her Cargo, to the Value of 2050 ſterl. diſpoſed of, upon this ſingle account, That the Ship called Catherine, loadned with Canarie, belonging to was ſeized upon by Captain Gordon, and Adjudged priſe, and her Cargo diſpoſed upon. And albeit her Mate wrote to the Lords of Theſurie to reimburſe the owners, which not being duely anſwerd, They adjudged your Petitioners Ship the St. Andrew and Cargo, in repryſall hereof *ob Denegatam Juſtitiam*, which ſentence of theirs not proceeding from any fact or fault of ours, but upon the publick accompt, It is hard for us to bear this loſs who had no hand in adjudging the ſaid ſhip Catharine, nor got any ſhare of her or Cargo, the ſame being applyed to the publick uſe.

May it therfore pleaſe your Grace and Honourable Estates to order the repayment to us, of the foreſaid ſum of 2050 lib. Sterl. as the juſt value of the ſaid ſhip and Cargo taken from us by reprifall, as ſaid is, and to recommend us to the Lords of Her Majeſties Theſaurie for that effect, And your Petitioners ſhall ever pray.

Edr March 17, 1707.

Her Majeſtys High Commiſſioner & the Eſtates of Parliat having heard this petion They Recommend the caice of the petitioners to her Majeſtys conſideracon.

SEAFIELD Cancellar. I. P. D. P.

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PROTECTION in favours of Alexander Colvill of Kinkardine.

ANN By the Grace of God Queen of Great Brittaine France and Ireland Defender of the faith To our Lovits

Meſsengers our ſhirreffs in that part coñillie and ſẽallie specially Conſtitute Greeting Forasmuch as It is humbly meaned and ſhown to us be our Lovit Alexander Colvill of Kincardine that he being ingadged in ſeverall great and conſiderable bargains of victuall by which he ſuſtained very great loſs and being neceſsitate to truſt out the greateſt part of his ſtock in the hands of ſeverall brewars and other tradſmen from whom he hath great difficulty to recover the ſame, his Creditors in the mean tyme being therby diſappointed of ꝑr payment have not only uſed diligence againſt his fortoune But deſigne to diſtreſs his perſone which keeps him under such a reſtraint as renders him altogither uncapable of doeing any thing for ther advantadge wheras if the Complr were at full liberty he would direct and aſsiſt his Creditors in the Recovering of many conſiderable debts due to him which now are like to be loſt And the ſaid Complr being willing to diſpone his wholl effects to his Creditors and to be aſsiſting in the recovering ꝑof out of his debitors hands which he cannot doe without a perſonall protectione to his perſone for ſome ſhort tyme to that effect Wherfore neceſsar it is to the ſaid Alexander Colvill of Kincardine to have warrand by our Commiſsioner and the Eſtates of Parliament for directing Summonds at his inſtance for Citeing his Creditors aftermentioned in manner and to the effect afterſpecified Our Will is heirfore and we Charge yow ſtraitly and Command that incontinent thir our letters ſeen ye paſs and in our name and authority lawfully ſummond warne and charge the said Alexander Colvill of Kincardine his Creditors aftermentt viz. [James] Earle of Suthesk George Drummond of Blair Mr Andrew Lumſdaine miniſter Sir David Cuninghame of Milncraig advocate Mr Thomas Buchan advocat Major Henry Balfour of Dunboge James Tayleour wryter to the Signet James Dundas wryter in Edr Mr David Drummond treaſurer to the bank Lord Strathnaver Sir William Calderwood advocate Henry Guild wryter in Edr Charles Mitchell wryter there Sir George Nicolſone of Kemney Malcolme McCalla ſkipper in Leith Alexr Colvill of Blair Sir Patrick Murray of Auchtertyre Thomas Beaton of Tarbet Colvill Lady Roſſie Mr John Dalgleiſh miniſter Seaton of Lathreiſh Watſon of Eaſherny Mr Alexr Farquarſon Wryter to the Signet, John Farquarſon of Kirktoun, Andrew Ker of Kippilaw Wryter to her Mãties Signet, James Smith late baillie of St Andrews now mert in Edr Even McGriger mert in Leith, William Nuckle ſkipper ther Sir Robert Blackwood late Dean of Gild of Edr, Patrick Stewart mert there, and William Hamiltone Wryter ther Sir Robert Douglaſs of Glenbarvie, Mr John Tillidaph Miniſter at Dumbarnie in manner following viz. such of them as are within the toun of Edinburgh upon fourty eight hours warneing And if elſe where within the kingdome (except in Orkney and Zetland) upon fifteen days warneing And if in Orknay or Zetland upon fourty days warneing all perſonally or at ther dwelling places And if furth of the kingdome be open proclamatione at the mercat Croſs of Edr pear and ſhoar of Leith upon ſixty days warneing And the Tutors and Curators of ſuch of them as are minors be open proclamatione at the Mercat Croſs of and other places needfull to Compear before us or our High Commiſsioner and Eſtates of Parliat at Edinburgh or where it ſall happen them to be for the tyme the day of nixt to come if it be lawfull And faillieing therof the nixt lawfull day theraſter with Continuatione of dayes To anſwer at the inſtance of the said Alexander Colvill of Kincardine in the matter underwritten That is to ſay The ſaids haill Creditors abovenamed and the Tutors and Curators of ſuch of them as are minors for ther reẽive intreſts To hear and ſee the ſaid protectione granted to the ſaid Alexander Colvill of Kincardine for the reaſones and cauſes following, viz.

and others to be proponed and alleadged at diſcuſſing hereof And the fds Creditors to give in ther objections why the fd protectione ſhould not be Granted conforme to the said Act of Parliat and daylie practiq in the lyke caſes in all points And ſicklike to hear and ſee all neceſſar probatione led and deduced in the premiſs with Certificatn to them if they faillie &c. according to Juſtice as ye will anſwer to us therupon The whilk to doe wee Commit to yow coñillie and ſẽallie as said is Our full power be thir our letters delyvering them be yow duely execute and indorſed again to the bearer Given under our ſignet at Edr the third day of March and of our reigne the fifth year 1707.

Ex Deliberatione Dominorum Parliamenti
4 March 1707. AL. Gibſone.

Edinb. 17, March 1707.

Actor Pringle alter

Pringle for the purſr repreſented ꝑt he had cited his creditors in the termes of the act of Parliat and did report the grunds of his Summonds & craved a perſonall protectione agt his creditors mentioned in the executnes conforme to his lybell.

Her Maties high Commiſsioner & the Eſtates of Parliat having advyſed the Lybell They grant perſonall protectione to the purſr agt his creditors mentioned in the executnes for all civill debts due ꝑ the purſr to ꝑm and ꝑt for the ſpace of seaven years from the date heirof The purſr allwayes conſigning a diſpoſitne of his eſtate in favours of his creditors cited befor extract.

SEAFIELD Cancellar. I. P. D. P.

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PETITION of the Royal Colledge of Physicians Edinburgh.

To his Grace Her Majeſty's High Commiſſioner, And the High and Honourable Eſtates of Parliament,

The Petition of the Royal Colledge of Phyſicians in Edinburgh,

Humbly ſheweth,

THAT your Petitioners underſtanding, there was an Overture for an Act preſented the laſt Sederunt of Parliament, not only Ratifying and Confirming the Rights and Privileges of the Chirurgeons and Apothecaries in Edinburgh; but alſo Statuting and Declaring, That hereafter there ſhall be no reſtraint upon the Liedges of being ſerved by the ſaids Chirurgeons and Apothecaries, in Medicines, without calling Phyſicians, when the Imployers refuſe to call any; and the prohibiting and diſcharging the Profecution of the ſaids Chirurgeons and Apothecaries on the foreſaid Account, and that the ſaid Act got a firſt Reading by order of the Houſe.

Your Petitioners being ſenſible, that this is not only Derogatory to our Rights and Privileges eſtabliſh'd by Law, but that otherways it may prove of dangerous and pernicious Conſequence to the Liedges; we doubt nothing, but upon a true Information to his Grace and the Honourable Houſe, of theſe our Rights, and theſe other Inconveniences that may enſue, the Honourable Houſe will be very tender in paſſing ſuch an Act.

And therefore we preſume with all Reſpect, to Inform your Grace and the Honourable Houſe, that by Letters Patent under the great Seal, in anno 1681, your Petitioners were Erected into a Legal Incorporate Body, under the Name of the ROYAL COLLEDGE OF PHYSICIANS IN EDINBURGH, (which was afterwards Ratified and Confirmed in Parliament) and amongſt other Rights and Privileges granted to us, we are ſpecially Impowered to make Rules, Acts and Statutes, for improving and advancing of

the knowledge of Medicine, and of regulating the Practice thereof, and for the good Government, Order, Ruling and Correction of the ſaid Colledge and Community, and of all Men practiſing and exerciſing the ſaid Faculty, within the City of Edinburgh and Suburbs thereof: And ſuch was the care taken, that every Imployment ſhould be preſerved in its due Bounds; It is expreſsly provided and declared in the ſaids Letters Patent, that the Apothecary Chirurgeons of Edinburgh, are notwithſtanding of the ſame, to have the liberty of Curing all ſorts of Wounds, Bruiſes, Fractures, Diſlocations, Contuſions, Tumours, and Ulcers, and ſuch like, being the Subject of Chirurgical Operations, and Accidents ariſing thereupon allenarly; but that they ſhall not have the Cure of any Diſeaſes that are originally Internal, which are only to be performed by preſcription and direction of the Phyſicians of the ſaid Colledge: And further, that no Perſon within the City, Suburbs and Liberties, may or ſhall have power to Practiſe and Exerce the ſaid Faculty of Medicine, unleſs he be admitted to the ſame, by the ſaid Colledge. And then there are ſubjoined ſome methods for the more expedite Execution of theſe Rights granted to the Royal Colledge; with power likeways to the Preſident of the ſaid Colledge, and Cenſors nominate by them, ſo oft as they ſhall find cauſe, to Viſite all Shops and Chambers within the City of Edinburgh, and Privileges thereof, where any Druggs and Medicaments are to be ſold, to ſee that the ſame be Freſh, Good, and Wholſom, with power to them to caſt out to the publick Streets, or deſtroy ſuch as are Inſufficient or Corrupt, &c.

And as theſe Letters Patents were not obtained by any Subreption, but after the ſame had been fully agitate in Scotland, communicate to thoſe of his then Majeſty's Privy Council, publick and known to all Perſons that might have any Intereſt to oppoſe, ſo it was following the laudable Practice of our Neighbouring Nation and other Countries, who are ſollicitous to keep theſe Imployments diſtinct, every one within its own limits and bounds.

It is needleſs to trouble your Grace and the Honourable Houſe, with a repetition at large of the Steps that has followed the Erection of this Colledge, but only to Inform you, that thereafter in the Year 1682, the Lords of Council and Seſſion by their Decreet *in foro*, after a contentious Debate, did ſeparate the two Imployments of Chirurgery and Pharmacy, diſtinctly ſetting down, what is competent to each, and expreſsly Decerning and Declaring, That albeit Chirurgeons may buy and ſell Simples, as any Druggeſt or Merchants may do, and Compound ſuch Druggs as are neceſſar for Chirurgical and external Applications, yet that they cannot Compound any Medicaments to be taken Internally by the Mouth. And the Colledge of Phyſicians being fully Eſtabliſhed, have not only been in uſe to keep their conſtant Meetings in order to try and admit Phyſicians, and preſcribe the good and neceſſary Rules for the practice of Phyſick, but ſpecially have been in the practice of Cenſuring and Debarring undue Practiſers, and particularly with reſpect to the deceaſt George Stirling, who after he had ſuſpended the Sentence and Ordinance of the Colledge of Phyſicians againſt him in all the Debate before the Lords of Seſſion, did not offer to impugn the Rights of the Colledge, in debarring all undue Practiſers, but only contended upon ſome Informality with reſpect to the ſeeming interfering Juriſdiction betwixt the Colledge and Town, and that his Practice had been only the caſe of external Application. And the firſt Point being diſcuſt, he was remit back to the Royal Colledge, as to the ſecond. And yet after all it muſt be acknowledged, that the Colledge have uſed their Power with that Moderation and Diſcretion, and particularly with reſpect to the Chirurgeons, that it is admired any ſuch Act ſhould have been preſented, and this Lenity of the Colledge will appear by the following Overture given in by the Colledge to her Majeſty's Advocat (on a preſent depending Proceſs) adjected to this Paper. As to the Act preſenting we humbly conceive, that altho the ſame has got a firſt Reading, yet it is ſtill but an Overture that may be excepted againſt, and therefore we preſume that the Honourable Houſe, being informed of our Rights and Privileges legally Eſtabliſhed, Ratified and Confirmed in Parliament, and Judgment given in the Courts of Judicatories on the foot thereof, they will be far from paſſing any Act that may derogate to theſe Rights: And indeed if this Act were paſt, it were a plain overturning of the ſaids Letters Patents, with all that has followed thereupon; for however it be conceived in Terms, as if it were an Act not in favours of the Chirurgeons, but taking off any reſtraint upon the Leidges, which has the ſhew of a plauſible Pretext, yet in effect it is a down right making the whole Chirurgeons in Edinburgh Phyſicians; for who does not ſee? That the allowing the Leidges to be ſerved by the Chirurgeons of Edinburgh in Medicines without calling Phyſicians, is not alſe much as to ſay, the Chirurgeons may practiſe Phyſick, and the adjecting of the Quality, when the Imployers refuſe to call any, is but a meer ſhamm, and to give a colour to what is otherways deſign'd; for this pretext ſhall on every occaſion eaſily be found. And then the diſcharging of the Proſecution of Chirurgeons and Apothecaries, is taking the very force from our Patent, by which alone it can ſubſiſt: And in effect we muſt ſay, that that Moment this Act is paſſed, our Patent and Rights fall to the ground, and draws this neceſſary Conſequence, that we are no more Judges, of the ſufficiency and healthfulneſs of the Druggs and Medicaments, ſeeing Chirurgeons ſhall have the full freedom of giving them inwardly as they think fit.

It would be reckoned vanity in us, to advance our own perſonal qualifications, in the knowledge and practice of our Imployment, But this muſt be allowed to be ſaid, that the manner of our Education neceſſarly fits us, for a more exact Capacity in theſe matters, (yea we may ſay to the only Capacity) than the Chirurgeons: their Imployment is but a part of Phyſick, as both the Patent and Decreet of the Lords have very well Diſtinguiſhed them; why then ſhould they graſp at more than their Education has furniſhed them to? It is known, that the ſerving of an Aprentiſhip in Edinburgh to any Chirurgeon, the referring of the Indentures which Capacitates the Aprentice to be Burgeſs, with a Tryal in Chirurgery, but not in Phyſick does immediatly Capacitate this Aprentice to be a Chirurgeon, and by this Overture of an Act now preſented, he ſhall become as good as a Graduate Phyſician.

Your Grace and the Honourable Houſe would be Informed, that this ſhould be a great Diſcouragement to us, and to all others who are proſecuting the Study of Phyſick, to ſpend our Time and Money at Home and Abroad, in qualifying our ſelves for this Imployment, for attaining whereof, the knowledge of other Sciences are neceſſarly concomitant.

We cannot think, that this can ariſe from any hardſhip, the Liedges can ſuffer, through the Privileges that were Granted to us by the ſaids Letters Patent, and we are abundantly ſatisfied, that it does not proceed from any of the Liedges diſintereſted; for we are ſure, our practice has been alſe little burdenſome ſince, as before the obtaining of the Patent, but that it only proceeds from the aſpiring Spirits of the Chirurgions of Edinburgh, not contented to Live within their own Sphere. Which appears by their procuring a late Patent over Ten ſeveral Shires, in which they have Exerced their Authority to that degree, that they have Fined and Harraſſed ſeveral People, for letting of Blood in Country Places, and amongſt poor Country People; and even came to that hight, as to Summond a Graduat Doctor for letting of Blood, where he found an abſolute neceſſity ſo to do. And by the by, it would be noticed, that if it be only the liberty to the Liedges that is pretended, why ſhould not the Act be conceived indefinitly, that the Liedges ſhould have the full liberty of being Served in Surgerie and Pharmacie by any they pleaſe to chuſe, which were as reaſonable as the other, but the Chirurgeons they ſee to their own Intereſt in that, and opens a liberty to the Liedges, but ſtill reſtricted to the Chirurgeons.

We ſhall only further trouble your Grace and the Honourable Houſe with this particular, that our Erection into a Society, has made us capable to perform a moſt univerſal and charitable Deed,

which is that by our Rules, two Phyſicians are appointed to attend weekly at our publick Hall ſo many Hours, to wait upon poor People whoſe cafes they conſider, and give their Advice and Receipts *gratis*; So that numbers Flock to us Weekly, and wants nothing for compleating ſuch an univerſal Benefite, but the eſtabliſhing a way for furniſhing theſe poor People either *gratis*, at leſt much eaſier with Medicaments and Druggs, which we are in hopes to effectuat, and to which the Chirurgéons and Apothecaries if they pleaſe might contribute very much, to which this Act would infallibly put a ſtop, as to all other good purpoſes already done, and furder intended by your Petitioners, not to mention the advancement of Learning by Diſcourſes on ſeveral ſubjects at our publick Meetings.

In Reſpect of all which, it is humbly expected your Grace and the Honourable Houſe will be tender of your Petitioners Rights and Reputation, and not paſs an Act that will be derogatory to both, Overturn what was formerly moſt deliberatly done, and diſconform to the practice of our Neighbouring and other Nations, while the Chirurgeons are no ways moleſted, but retain intire all their Rights and Privileges, and enjoy a moſt lucrative Imployment, without the neceſsity of encroaching upon anothers. And if any Difficulty remain with your Grace or Honourable Eſtates of Parliament, that your Petitioners may be heard by their Lawiers, and have time to produce their Papers and Rights.

Follows the Overture;

Upon the Callings makeing the following or ſuch an Act the Colledge offered to Diſcharge all Procedure at their Inſtance, preceeding the Date of the ſaid Act, and that the Perſon Purſued ſhou'd have his Fine remitted upon owning his Fault.

The Calling taking into their Conſideration, the many Complaints made by the Royal Colledge of Phyſicians againſt ſeveral Perſons unduly Practiſing Medicine, which Legally does belong to the ſaid Royal Colledge do therefore for Cultivateing a good Correſpondence with the Royal Colledge; hereby Declare, that if in time comeing, any of the Calling ſhall take upon them to Practiſe Medicine, except in cafes of Neceſſity and Charity, that they ſhall undergo the Cenſure of the Calling, and be left without the Interpoſing of the ſaid Calling, to ſuch Legal Proſecutions as the ſaid Royal Colledge ſhall think meet.

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ACT in favours of William Cochran of Ferguslie.

To his Grace Her Mäties High Commiſsioner and the High and Honourable Eſtates of Parliament

The Petition of William Cochran of Ferguslie tacksman of the tuo poles Imposed in the Seſsion of Parliament 1698

Humbly Sheweth

THAT ther being a Commiſsion appointed by the Act of the firſt Seſsion of this Current Parliament to Inspect into the public funds and to Report to the Parliament: The ſaid Commiſsion having made a Report in relation to the ſaids tuo Poles wherof your petitioner was Tacksman It pleased the honourable house to remit back to the ſaid Commiſsion to enquire further into that article of your petitioners Diſcharge anent the books not being Returned in due time from the ſeverall Shyres what damnadges I had sustained and what abatment I ſhould have Accordingly the Commiſsion having proceeded Appointed me to pay in the ſoume of 7200 lib Scots besydes the payments I had made formerly by virtue of precepts from the Thesaurie which I accordingly did And the Commiſsion gave ther opinion that all execution ſhould stope for the Ballance of the tack dutie till the honourable houſe ſhould Determine therin.

Besydes the saids Articles of Defaulcation, by reaſon of the not due Returning of the books, there were op^{r} legall deductions Claimed by me but the Commiſsion did not think themſelvs Impowred to proceed to the Conſideration p^{r}of in respect of the forsaid Remit of Parliament which seemed to be speciall as to the article of not returning the books However the Commiſsion having taken a view of the other legall deductions they gave it as their opinion That the same deserves his Grace and the Honourable house their conſideration.

I will not trouble your Grace and the honourable houſe with a deduction of the particular legall defaulcations, nor of that which the Commiſsion had chiefly under their conſideration The same being fullie contained in a memoriall apairt, given in the last Seſsion of Parliament and lying in the Clerks hands when your petitioner expected to have hade the affair diſcuſt Containing lykways verbatim the Commiſsions Report not Doubting but the ſaid memoriall will give your Grace and the honour^{ble} houſe a full view of the State of that affair with the Reaſonableneſs of the Deductions claimed And that it plainly appears to be the Commiſsions opinion all further execution ſhould ſist and that I should be Diſcharged of the Remander of the tack dutie: And therefor ſhall only now Represent That of a tack dutie of 20100 pounds Sterling I have payed 17000 lib Starline by precepts from the Thesaurie; As lykwayes that I have payed the 7200 lib Scots furder ordered by the Commiſsion And that conſidering the great Difficulties I met with in uplifting the saids Poles the stopes and hinderances from time to time by reason of some unclearneſs in the acts of Parliament and Proclamations of Councill, and the long depending proceſs befor the Privy Councill wherein severall perſones of all Characters and Degrees were concerned, not yet Diſcuſt altho p^{r} was a particular Report of a Committie of Councill in my favors whereof a Double is lykwayes subjoined to the ſaid memoriall And the great loſs I sustained throw the not duely returning of the books as was obvious to the Commiſsion which of it ſelf, without the other Deductions is more then ſufficient to Compence what yet Remaines in my hand. All which are more fully held furth in the ſaid memoriall apairt And that I have been obleidged to a tedious and expenſive attendance before the severall Seſsions of Parliament And to Sum up all that the Commiſsion who have proceeded very exactly in their Inquiry thought it equitable to Diſtreſs me no further than for the 7200 lib Scots plainly inſinuating therby to your Grace and the honourable houſe that it would be a hardſhipe upon me to have any thing further exacted Upon all theſe Conſiderations It is humbly conceaved your Grace and the honourable houſe will think fit to Diſmiſs me as you have allready all others concerned in the publict funds.

May it therfor pleaſe your Grace and the honourable houſe to take the Commiſsions Report to your Conſideration togither with the Memoriall apairt containing the Articles of deduction And to Declare, That I have made full satisfaction of all that can be Claimed of the said Tack dutie And to Discharge the same and all furder execution thereupon And your petitioner ſhall ever pray.

Ed^{r} 17 March 1707.

Her Majeſties high Commiſsioner and the Eſtates of Parliament having Conſidered this petition They declare That the petitioner hes made full ſatiſfaction of all that can be clamed of the within tack duty And diſcharge the ſame and all further Execution p^{r}upon without prejudice to the clame of Collonell McGill and his ſucceſsors a^{g}t the ſd petitioner And declare that all perſones ſubject to and lyable in the Poles impoſed by the within act of Parliament are to be hereafter free p^{r}of And of all proceſs and action p^{r}for in time coming.

SEAFIELD Cancellar. I. P. D. P.

XIX MARTII, M.DCC.VII.

REMIT to the Exchequer in favours of Robert Preston of that Ilk & others.

Unto his Grace James Duke of Queenſberry Her Majeſties high Commiſsioner, And to the Right Honorable Estates of Parliament

The Petition of Robert Preston of that Ilk and partners Subtackſmen of the Shires of Hadingtoun, Berwick, Roxburgh, Forrest and Peebles: And John Chrystie writer in Edr and partners Subtacksmen of Exciſe of the Shires of Stirling Bamff Elgin and Nairn

Humblie Sheweth

THAT in March 1704, Wee did take from the principall tacksmen of the inland Excyſe Subtacks of the forementioned Shires containing this clause, as all publick Tacts do; That in caice of war famine or pestilence the same was to become null.

Tho' wee cannot complain of a famine of victuall in the Kingdom Yet since the takeing, and dureing the currencie of our Subtacks, there is a great alteration of the Subject of that exciſe, which hes the same effect as famine wold have upon that Subject; And therfor in reason ought to have the same legall consequences, wherby our tacks, as other publict tacks, wold be turned into a Collection, or otherways we wold be releived by ane abatement suteable to our damnage.

The great alteration in the Subject of the exciſe, wherof wee complain is the Scarceity of monie: the only instrument by which trade can circulat, or the Exciſe ariſe, and wherof the Scarceity is so nottour as to need no proof: nor are the Causes leſs obvious; for, not to mention the great decay of trade, It is well known That after our tack the Credit of the Bank of Scotland fail'd, Which occaſioned ane intire Surcease of the circulation of mony or even so much as credit for a great while, And the Condition of the Country is such, that there is not so much mony in the hands of the Brewers as wold pay the duties of exciſe ordinarly aryſeing within these Shires, nor could the little which they have be recovered without military execution and diſtreſsing the poor in so cruel a manner as might have other dangerous consequences, And Quartering now only serves to consume the Subject out of which the exciſe uſes to be payed.

And besides the Scarceity of monie Wee farder repreſent That the extraordinar quantities of wine and brandy Imported upon apprehenſion of its being diſcharged the laſt Seſsion of Parliament And the prohibitions by the Parliament of England which ruined the border and Seacoaſt trade which is the bounds of our diſtricts; And which has all occurred since the takeing and dureing the Currencie of our tacks, has intirely Ruined the Consumpt of malted liquors For the same reasons it is That not only a great many of the Brewars have given over brewing but the bulk of the cõmon people have fallen upon new Inventions to Supplie the want of want which utterly destroys the fond of the exciſe As, for instance; The Exchangeing of a certain quantity of dry bear for a quantity of the like value of ale, Or to brew by turns, And drink *gratis* in one anothers houſes to shun payment of Exciſe.

Besides the failing of the Subject of the Exciſe itself, Wee do presume most humbly to lay befor your Grace and Honorable Eſtates another reason, why wee ought in juſtice to be releived, to wit, by the nature of our tacks, Wee are not only to have the protection of the Government, but there are certain implyed Conditions which ought to be observed, without which the exciſe can never be collected: And particularly the Commiſsioners of Supplie within the reſpective Shires, are bound by law and cuſtom to Conveen at the head burgh of the severall Shires, and were particularlie required by ane Act of Councill to Conveen upon the second and thrid Tuesdays of May 1704. And after designing of places where the Excise offices should be keep'd, two of the saids Commiſsioners are appointed to attend therat the first Tueſday of every month therafter, for receiving of entries from the brewars or survyers and to determine all contraversies betwixt the tacksmen and brewars, With certification each of them to pay 100 lib *toties quoties* for each days abſence; And where theſe rules have not been observed, It's certain it was impoſsible Wee could so much as come to the poſseſsion of the Subject of our tack, But so it is That moſt of the Commiſsioners of Supply in our severall diſtricts, did refuſe to meet, altho they were duly required not only by letters, but by solemn inſtruments herewith given in, notwithſtanding the act of Councill declairs the publiſhing therof sufficient without furder Certification, wherby it happened That the fundamentall condition of the tack from whence the obligation of payment ariſes, failgied to our prejudice, sieing it was impoſsible for us to bruick or poſsefs the subject, without concurrance of and protection from the government.

Wee might alſo further Represent how hard it were for us to prosecute the nobility and gentry in these Shires for their forſaid neglect; Especially sieing it is too plain they have proceeded in this matter becauſe of the extraordinar Scarceity of monie and decay of trade and importation of forreign liquors which oblidged them to uſe caution with the poor people in theſe Countries.

And Lastlie the decay of trade betuixt the tuo Kingdoms of Scotland and England which has fallen out dureing the currencie and since the Commencing of our Subtacks has been ane great impediment to the Conſumpt of malted liquors upon the Borders, In so much as the touns of Eymouth, Dunſe, Caldstream, Kelſo, Jedburgh, Selkirk, Hawick and Caſsiltoun, scarcely pay two thrids of Exciſe they were in uſe to pay the very year preceeding our Subtack as is very well known to severall members of this honourable Parliament.

This being plainly and ingeniouſly the deplorable State of the Country, and our Caſe, And that by what is above repreſented a famine of monie is demonſtrable which being the only current Specie in which we are oblidged to pay our tack duty Wee with all Submiſsion Conceive our selves to be in the termes of the Clause of our tacks, declairing them null in caſe of war, famine &c. And so ought to be freed of the samen, and only appointed to compt for the Subject as Collectors, sieing wee offer to expose our books upon oath And (allowing our neceſsar Charges) Wee are satisfied to Communicat to the principall tackſmen all wee have collected.

May it therfor please your Grace and Honll Estates of Parliament, To free and releive your petitioners of our reſpective Subtacks And appoint us to compt as Collectors upon our makeing faithfull accompt and payment of our intromiſsions, which will save us from being utterly ruined upon Contingencies wee could not forsie, Or if your Grace and Honll Eſtates shall not have time to examine our circumſtances to Recommend us to the Lords of her Maties Thesaury, or any Committee of Parliament to take in the accompts of our intromiſsions and dilligence With power and recommendation to them to grant us abatements conform to our loſses, And in the mean time to Stope all dilligence against your petitioners for our deficiencies or such other part as your Grace and Honll Estates shall think fit.

And your petitioners shall ever pray.

Edr March 19, 1707.

Her Majeſtys High Commiſsioner and the Eſtates of Parliament having heard this petition They hereby Recommend the caice of the Petitioners to the Lords of her Majeſtys Treaſurie with power to them to determine therin as they ſhall find juſt.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of the Earl of Crawfurd.

To his Grace her Mäties high Commiſsioner and the Right honourable The Eſtates of Parliament:
The Petitione of John Earle of Crafurd
Humbly Sheweth

THAT by ane act of the Court of Directors of the African Companie the deceaſt Major John Lindſay was provided to a yearlie Sellarie of Two hundreth and fifty pounds Sterling, which after his Deceis was certainly a debt upon the Companie and I having right to all the effects belonging to the said deceaſt Major John Lindſay by aſsignatione contained in his later will and testament Doe with all ſubmiſsione judge this my intreſt secured with the reſt of the Debts of the said Companie.

May it therfore pleas your Grace & the honourable Eſtates of Parliament to consider my well founded Claim of the said Two hundreth and fifty pounds Sterling and to order theranent ſo as I may be effectuallie payed of the ſame.

Crafurd.

Edinb: 19 March 1707.

Her Mäties high Commiſsioner and the Eſtates of Parliät haveing heared this petitione They grant to the petitioner alſe much of the remander excreſcence of the companies dead ſtock over & above the fyftein hundreth ſeaventy ſeaven pound elleven ſhilł Starline already diſpoſed on & diſtribute by former orders of the Parliät & Committie as will pay the petitioner the within ſoume of Tuo hundreth & fyftie pound Sterline.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of the Relict of Captain Baillie.

Unto his Grace Hér Majeſties high Commiſsioner And the Right Honowrable Eſtates of Parliament
The Petitione of Margaret Bowden Relict of Captain John Baillie ſon to ꝑo Laird of Littlegill
Humbly Sheweth

THAT my ſaid deceaſt husband ſerved as a Livetenant in Collonell Buchans Regiment both at home and abroad untill the ſaid Regiment was broke in Flanders in anno 1697 and in the year 1699 went with the Ryſing Sun as ane Captain and overſeer to the Darien Settelement and dyed in the place Febr 1700 And being but laitely married to me before he went from this place He was provyded by me and my friends with money and other Effects, which I never Got any Return of, nor ever had any thing by him, And lykeways I had the miſfortune to loſe my brother James Bowden and all his Effects which were conſiderable, in the ſaid Expedition.

May it therefore please your Grace and the Right Honourable Eſtates to Conſider my circumſtantiat case and to Grant me ſuch allowance as your Lordſhips ſhall think fit, for Repairing in ſome meaſure the great Loſs I Suſtained throwgh the foreſaid Expedition and yowr petitioner ſhall ever pray.

Edr 19 March 1707.

Her Majeſties high Commiſsioner & the Eſtates of Parliament having Conſidered this bill They Grant to the petitioner what ſuperplus and excreſcence there ſhall be of the dead ſtock of the Affrican & Indian Company over and above the fiftine hundered ſeventie ſeven pound eleven ſhilling Starling allready diſpoſed on and diſtribute by former orders of Parliament & Committe And the ſoume of tuo hundered and fiftie pound Starline Ordered to be payed to the Earle of Craufurd not exceeding ane hundered pound Starline.

SEAFIELD Cancellar. I. P. D. P.

XXI MARTII, M.DCC.VII.

ACT in favours of James Hamilton of Gilkerſcleugh.

Unto His Grace Her Majeſties high Commiſsioner, and the Right Honourable the Eſtates of Parliament,
The Petition of James Hamilton eldeſt laufull Son to the deceaſt John Hamilton of Gilkerſcleugh,

Humbly Sheueth,

THAT where at my fathers decease anno 1700, I was left defenceleſs, without Tutors, a boy of tuelve years old; and that through my own weakneſs, and my friends neglect, or indifferency; I was not ſerved air to my father *cum Beneficio Inventarii*, within the year and day preſcribed by law: By which neglect I am now under the inconvenience of being ſummoned in a nonentry, by my ſuperior the Earle of Selkirk; and tho my mother ſince my fathers decease, hes employed what money she could command, and even her oun Joyncture, towards the ſatisfaction of the moſt preſsing Crērs; yet there are ſtill more of them unpayed then my Credit (who am as yet minor) could ſatisfie; and ſo I dare not ſubject my perſonal Libertie to their mercy: Beſides there are ſeall fonds due to my deceaſt father, which ly mortified and will periſh for want of ane active title to purſue them; And particularly there is a ſale depending agt M Morran of Glespen, where my father is a Crēr for upwards of 10000 lib: and ſome other Claims qch might be brought to good account. And ſeing your Grace and Lordſhipes have diſpenced with the time of making up ane Inventar in the cases of the Earle of Buchan and the Earle of Home, & lately in the case of the Lord Duffus, on the head of abſence: And that by our oun Law, and the Law of Nature and Nations, the Legiſlators have allways taken the imbecillity of Minors under their ſpecial protection; and that the yet allowing me this benefite, will not only make me capable of entring with my ſuperior, but lykeways of ſatisfieing my Crērs, far better then could be done by tearing my ſmall fortune in peices, which ſometime hes made a better figure then now, and is moſtly liferented by my mother.

May it therefore please your Grace and Lordſhips to conſider the premiſes, and in reſpect yof, allow me yet to ſerve air *Cum beneficio Inventarii* within three month after the date heirof, and to be liable only *ſecundum vires*, and to except the ſaid ſervice from the act Salvo Jure as was lately done in the lyke cases according to Juſtice.

And your Petitioner ſhall ever pray &c.

James Graham.

Edinb: 21 March 1707.

Her Mäties high Commiſsioner and the Eſtates of Parlat haveing heared this petitione They grant the desyre therof and alloues the petitioner to ſerve air to his father *cum beneficio Inventarii* within thrie moneths after the dait heirof And declaire he ſhall be only lyable *ſecundum vires* and excepts the ſaid ſervice from the Act Salvo Jure to be paſt in this or any other Seſsion of Parliament.

SEAFIELD Cancellar. I. P. D. P.

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REMIT to the Lords of Theſaury in favours of the Lady Sempill.

Unto his Grace the Duke of Queenſberry her Majeſties high Commiſsioner and the Right honourable Eſtates of Parliament
The Petitione for Griſell Lady Semple

THAT where the deceaſt Brigader Richard Cunninghame having Commanded a Regiment of foot in the year Im vjc* and nynty which was at firſt put in the Engliſh eſtabliſhment, And by that

eſtabliſhment behoved to have a greater number of officers ſerjants &c. and had a title upon that accompt to the Engliſh eſtabliſhment which he never obtained neither for himſelfe nor the advantage of his regiment, But was turned over upon the Scots eſtabliſhment and had conſiderable arrears due to him.

But the Parliament I^m vj^c^ nynty three haveing imployed the pole money for payment of the arrears of the army due preceeding the firſt of February I^m vj^c^ and nynty one And that fond falling much ſhort of expectatione by the therty firſt act of Parliament I^m vj^c^ and nynty five, A Commiſsion was apoynted to take the accoumpts of the Pole money, And to Decide concerning the preference of the officers of the army Conforme wherunto the ſaid Commiſsioners did make up the accoumpts of the ſeverall regiments, And amongſt the reſt the accompts of the regiment of the deceaſt Brigadeer Cuninghame, deducting from his arrears ſeverall articles altogither forraigne or which at leaſt did not concerne the accoumpts of that regiment of foot during the tyme that the Brigadeer commanded it.

This miſtake happened puerly by abſence of the Brigadeer who was then in Flanders and not long after his return to Scotland dyed. And indeed tho I have been informed from ſeverall hands that ſuch accoumpts had been ſtated and have indeavoured to obtain a copey from David Callander yet I could never get it and to tell the plain truth when there was litle appearance of getting the arrears payed I was leſs anxious about it.

But being concerned as exĕrix nominat to the Brigadeer and alſo as being purſued at the inſtance of ſeverall of his officers to whom I would willingly procure Juſtice tho I am not nor can be made lyable to them I doe now apply to your grace and the hon^ble^ Eſtates of Parliament that I as exĕrix to the Brigadeer nor the officers of his regiment may not ſuffer by accompts made up in abſence.

May it therfore pleaſe your Grace and the right honourable the Eſtates of Parliament to ordain extracts of the ſaid Brigadeers accoumpts whyll in the ſervice to be given me and because the accompts have been made up in absence & that the Brigadeer nor none for him have ever been heared to object to authorize and impower the Lords of Theſaurie and Excheq^r^ to receave my lawfull and Juſt exceptions ag^t^ the ſaid accoumpts or to reſerve the ſame and allow them to be receaved by the Commiſsionars for the Equivalent or any op^r^ Judicatory, your grace and the right honourable eſtates of Parliāt ſhall think fit.

And your petitioner ſhall ever pray.

Ed^r^ 21 March 1707.

Her Majeſties high Commiſsioner & ꝑe Eſtates of Parliament haveing heard this petition Ordaine extracts of ꝑe within accounts be given the petitioner And remit to ꝑe Lords of Theſaury & Exchequer to hear ꝑe petitioners objections ag^t^ ꝑe ſds accounts to ꝑe effect the ſame may be ſtated & laid befor ꝑe Commiſsioners of ꝑe Equivalent.

SEAFIELD Cancellar. I. P. D. P.

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LIST of Acts of Ratifications Granted in Parliament 1707.

ACT Ratifying a Charter under the Great Seal of the date at Windsor Caſtle the ſeventeenth day of June I^m^ vij^c^ and six years Granted by her Majesty with consent of her Commiſsioners of Thesaury and Excheq^r^ for the time to James Duke of Queensberry now her Ma^ts^ high Commiſsioner and failzieing of him by deceaſe to his heirs of tailzie already named or to be named by him for ſucceeding to his Eſtate of Queensberry Which failzieing to his neareſt heirs or aſsigneys whatſoever heretably and irredeemably and under the proviſions and conditions contained or to be contained in the rights of tailzie of the ſaid Eſtate of the Lands and Barronys of Drumlangrig Torthorwald Sanquhar and other Lands Baronys Lordſhips Earldoms Regalities Burghs of Barony and Regality patronages heretable offices of Sherifship and Crounrie of Dumfreis-ſhire and op^r^ heretable offices therein expreſs'd with a lead mine already found in the Barony of Sanquhar and all other Mines of gold ſilver and other mineralls and mettalls of whatever kind found or to be found within the ſaid lands and Baronies respective therein men^t^ And of ſeveral other priviledges and rights particularly and generally both for Principal and Warrandice Expreſs'd in the ſaid Charter Which proceeds upon the ſaid Duke his own reſignation, and the other Conveyances therein specified and Contains a new Gift or diſpoſition of many of the foreſaid Lands and others and a disjunction of the ſame from all juriſdictions to which they were formerly annexed With an Union of the haill in one Dukedom Earldom Lordſhip Barony & Regality to be called the Dukedom of Queensberry Earldom Lordſhip and Barony of Drumlangrig and Regality of new Dalgarnock Appointing one Seaſine by earth and ſtone at the manſion houſe of Drumlangrig to be ſufficient for the haill, To be Holden of her Majeſty in fee heretadge free Dukedom Earldom Lordſhip Barony and Regality With free Chappell and Chancellary For payment yearly of the few and other Duties mentioned in the ſaid Charter Whereby the holding of the ſaid Lands and Baronys of Torthorwald Sanquhar and ſeveral of the other lands therein expreſsed is changed from Taxtward to Blench holding for paym^t^ of one penny yearly in place of the ſeveral taxtward duties therein ſpecified or other duties if any be payable furth thereof Together with the precept of seaſine contained in the said Charter and inſtrument of seaſine thereon following or competent to follow.

RATIFICATION of a gift under the Great Seal dated at Saint James's the firſt day of December I^m^ vij^c^ and five years and granted by her Majeſty To John Duke of Argyll his heirs male and of tailzie contained in his rights and infeftments Approving all the rights in favors of him and his predeceſsors of the office of great Maſter of Houſhold and other heretable offices within this Kingdom belonging to him and Disponing to him during his life as a pension and Sallary for the ſaid offices, the few, blench, teind, taxtward, tack, and other duties rents and caſualities whatſoever payable to her Majeſty for herſelf and as come in place of the Prince & Steuart of Scotland furth of the Dukedom Marquiſsat Earldom Lordſhip and Barony of Argyll and all other lands mills heretable offices and others whatſoever which pertained to the deceaſed Duke & Earl of Argyll his father and grandfather and are now poſſeſsed by him and contained in the Reddendoes of their Charters and other rights Excepting the rents teind duties and other Caſualities uſed to be payed to the Biſhops out of the ſaid Lands and Baronies And that for Cropt I^m^ vij^c^ and four and thereafter during the life of the ſaid Duke Reſerving to her Majeſty power to revock the ſaid gift Which revocation is only to take place after the date thereof.

ACT Ratifying a Confirmation and new tack under the Privy Seal of the date at Windſoir Caſtle Granted by her Majeſtie on the twenty fifth of Auguſt I^m^ vij^c^ and two years with conſent of Theſaury and Excheq^r^ for the time By which a tack of the maills ferms few duties found duties caines cuſtomes and caſualities ſervices and others due and payable furth of the lands of Kingsbarns for three nineteen years after the death of Sir James Scott of Roſsie Granted by King Charles the Second to the deceaſed Alexander Earl of Kellie upon the twenty eight of August I^m^ vj^c^ and ſixty years is approven And the ſaid ferms few duties and others are of new Let in tack to Alexander now Earl of Kellie for three nineteen years after expiring of the ſaid former tack for payment of twenty pounds of Tack Duty yearly at Whitſunday and Martinmaſs by equal portions.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the ninth day of November I^m vij^c^ and six years Granted by her Majeſty with conſent of her Theſaury and Excheq^r^ to Thomas Viſcount of Duplin and his heirs and others therein mentioned proceeding on his own Reſignation of the Lands and Baronys of Cultmalundie and Keillor, And of the Lands of Tulchan which were fallen by recognition or otherways in her Majeſties hands Containing a new gift or diſpoſition of the ſame and teinds thereof with a diſsolution of the haill from all Sheriffdoms Regalities and other jurisdictions and an Union thereof to the Regality Lordſhip and Barony of Balhouſsie with free Chappell and Chancellary power of Juſticiary and all other priviledges therein mentioned And alſo a diſpoſition of the Eſcheats of the Vaſsals & Inhabitants of the ſaid Lands With power of keeping yearly fairs upon any part thereof as is expreſs'd in the ſaid Charter And a gift of all Mines of gold ſilver and all other mines belonging to her Ma^ty^ within the ſaid regality or any part thereof Ordaining one ſeaſine at the mannor place of Balhouſsie or any part of the ſaid Lands by delivery of earth and ſtone and a penny to be ſufficient for the ſaid Lands Mines minerals and regality abovewritten To be holden of her Ma^ty^ for paym^t^ of the reſpective few and blench duties therein mentioned for the ſaid Lands & others and the twentieth part of the Ore for the ſaid Mines By which Charter her Ma^ty^ alſo Renunces in favors of the ſaid Viſcount and his foreſaids the ſervice of giving three ſutes to the head Courts of the Lordſhip of Dunkeld and the Compearing at whatever Courts as if they were warned and of giving hommage and fidelity for the Lands of Tibbermure and pertinents which are contained in the former rights thereof And Confirms ſeveral ſecurities granted to the ſaid Viſcount Together with the precept of ſeaſine contained in the ſaid Charter and inſtrument of ſeaſine thereon.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the nineteenth of January I^m vij^c^ and ſix years Granted by her Ma^ty^ with conſent foreſaid and proceeding on the reſignations of Robert Lord Colvill and the deceaſed Sir David Barclay of Cullearnie in favors of ꝑe ſaid Robert Lord Colvill and his heirs and others therein ſpecified under the proviſions & conditions therein expreſs'd Of the Lands and Barony of Cleiſh, lands of Dunduf Outh Lethalmond North Lethlands Over and Nether Achleinſkies half of the lands of Kinnaird and others with the right of patronage and teinds of the Kirk and paroch of Cleiſh Diſponed of new by the ſaid Charter which Contains alſo a new Gift of the ſaid haill lands and a new Erection thereof in the Barony of Cleiſh Ordaining one ſeaſine by earth and ſtone at the mannor place of Cleiſh &c. to be ſufficient for the haill Barony right of patronage and teinds to be holden of her Majeſty as is mentioned in the ſaid Charter whereby the ward nonentry relief and marriage for the old Barony of Cleiſh and others therein mentioned are aſsigned for payment of the ſeveral taxt duties expreſs'd therein By which alſo the heirs and ſucceſsors of the ſaid Robert Lord Colvill are allowed to be entered therin notwithſtanding of minority and he and his foreſaids are allowed to diſpoſe on the ſame in haill or in part without conſent of her Majeſty Notwithſtanding of the ſaid taxtward holding Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Edinburgh the thirtieth day of January I^m vij^c^ and two years granted by the deceaſed King William for himſelf and as Prince and Stewart of Scotland with conſent of his Commiſsioners of Theſaury and Excheq^r^ for the time to Dame Margaret Campbell lawfull daughter of Sir George Campbell of Ceſnock and ſpouſe to Sir Alex^r^ Home now Campbell one of the Senators of the Colledge of Juſtice ſecond lawfull ſon to Patrick Earl of Marchmont and to the heirs male betwixt them Which failȝieing to the other heirs of tailȝie and proviſion and heirs and aſsigneys therein men^t^ heretably and irredeemably and under the proviſions and declarations therein expreſs'd Of the Lands and Barony of Ceſnock and other Lands Baronys patronages teinds and others therein ſp^ci^ proceeding on the reſignations of the ſaid Sir George and Sir Alex^r^ Campbells and the other conveyances mentioned in the ſaid Charter Whereby one ſeaſine at the tower of Ceſnock or any part of the ſaid Lands & Baronies is ordained to be ſufficient for the haill To be holden for paym^t^ of the feu blench & taxtward duties ſpecified therein whereby alſo ſeveral rights of the lands and others foreſaid are approven Together &c.

ACT Ratifying a Chartor under the Great Seal of the date at Kenſingtoun the thirtieth of April I^m vij^c^ and six years granted by her Ma^ty^ with consent of her Theſaury and Excheq^r^ to Sir Gilbert Elliot of Minto Knight and Baronet one of the Senators of the Colledge of Juſtice in liferent and to Gilbert Elliot his eldeſt lawful ſon and the heirs male of his body Which failȝieing to the other heirs of tailȝie and heirs and aſsigneys therein mentioned in fee Of the Lands and Baronys of Headſhaw and Minto and other lands patronages teinds and others therein expreſs'd proceeding on the ſaid Sir Gilbert his own resignation and containing a new Gift of the haill With an Union of the ſame in one Barony to be called the Barony of Minto For which one ſeaſine by earth and ſtone upon any part of the ſame is declared ſufficient To be holden of her Majeſty for payment of the few and blench duties ſpecified in the ſaid Charter whereby the taxtward holding of the old Barony of Minto is changed to a blench holding for paym^t^ yearly of a penny Scots money if required, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kenſingtoun the Eleventh day of May I^m vij^c^ and six years granted by her Majeſty with consent foreſaid to Sir David Home of Croſsrig one of the Senators of the Colledge of Juſtice in liferent and to James Home his eldeſt lawfull son and the heirs of his body Which failȝieing to the ſaid Sir David his heirs and aſsigneyes whatſoever heretably and irredeemably under the burdens and proviſions therein mentioned Of the Eight huſband Lands of Croſsrig with mannor place houſes biggings and pertinents and of the teinds parsonage and viccarage thereof extending to an eight merk land of old extent Which charter proceeds on the apprising resignation and other conveyances therein mentioned and all thereby confirmed and Contains a new gift of the ſaid lands and teinds & all right property ſuperiority & poſſeſsion her Ma^ty^ had ꝑto for which one ſeaſine upon any part thereof is declared ſufficient To be holden of her Majeſty for payment of the ſeveral ſums therein expreſs'd for the ward nonentry relief and marriage of the heir respective, when falling, which are aſsigned therefore, And the Heirs are allowed to be entered notwithſtanding of minority, Together &c.

RATIFICATION of two Charters under the Great Seal granted by her Majeſty with consent foresaid to Mr Roderick Mackenzie of Preſtounhall one of the Senators of the Colledge of Juſtice his heirs and aſsigneys heretably of the Lands Lordſhip and Barony of Lovat Lands of Bewfort Lands and Barony of Bewlie and others therein mentioned, one of the which charters is of the date at Saint James's the twenty fourth of February I^m vij^c^ and three years proceeding on the appriseing therein ſpeci^l^ at ꝑe inſtance of Alexander Brand of Babertoun againſt Hugh Lord Fraſer of Lovat and the ſaid Alexander his conveyance and reſignation in favors of the said Mr Roderick which are thereby confirmed and Contains a new gift of the said haill lands and of the office of Conſtabulary of the palace & prin^ll^ meſsuage of the priory of Bewlie and office of Bailliary of the ſaid Barony of Bewlie And an Union of the haill in one Barony called the Barony of Lovat To be holden of her Majeſty for payment of the ſeveral duties mentioned in the ſaid charter By which the ward nonentry relief & marriage for the old Barony of Lovat are Taxed to and Aſsigned for payment of the reſpective ſums therein specified and the

heirs are allowed to be entered notwithstanding of minority And the other of which Charters is dated at Saint James's the seventeenth day of April Im vijc⁰ and four years to pe said Mr Roderick and his foresaids heretably and irredeemably proceeding on his own resignation, And containing a confirmation of all his former rights of the Lands and others foresaid All thereby Erected in a Regality called the Regality of Lovat with Chappell and Chancellary right of Justiciary Escheats of the inhabitants and other priviledges Ordaining the Burgh of Bewlie or Fraserdale to be the head Burgh thereof and to be called the Burgh of Regality of Lovat and allowing mercats to be kept thereat and one seasine at the mannor place of Lovat or any part of the said Lands to be sufficient for the said haill Regality Burgh offices and others therein mentioned To be holden of her Maty for payment of the several duties expressd in the said charter Together with the precepts of seasine contained in the said two Charters and instruments of seisin thereon &c. Excepting and Reserving furth of the said Ratification, and rights thereby ratified and regality abovementioned The Lands of Kirktoun of Inchberry holden by the said Mr Roderick of the Duke of Argyll with the said Duke of Argyll his heretable office of Justiciary Generall within the same Which with his right of superiority of the said Lands shall be as intire to him and his successors as if the said rights and ratifications had never been made nor granted.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the eight day of May Im vijc⁰ and one years Granted by the late King William with consent foresaid to Sir Walter Riddell of that Ilk and his heirs male and other heirs and assigneys therin mentioned heretably & irredeemably Of the Lands and Barony of Riddell comprehending as is therein specified Reserving to Dame Margaret Wat his spouse her liferent of such parts thereof as are ment in their Contract of marriage Which Charter proceeds on Sir Walter's own resignation and Contains a new gift and a new Union of the Barony of Riddell Ordaining the mannor place of Riddell to be the prinll Mesuage thereof and one seasine by earth and stone thereat or at any part of the Barony to be sufficient for the haill To be holden of her Majesty for paymt of the several duties mentioned therein Whereby the ward nonentry relief and marriage for the Lands of Lintobank and oprs are Taxed to and assigned for paymt of the respective sums therein expressd And the heirs are allowed to be entered notwithstanding of minority Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Windsoir Castle the last day of July Im vijc⁰ and six years Granted by her Maty with consent of her Thesaury and Exchequr to Sir William Sharp of Stoniehill Knight and Baronet his heirs and assigneys whatsoever herellly and irredeemably of the Lands of Stonyhill priviledges and right of regality and Justiciary with free Chappell and Chancellary and other priviledges with the rest of the Lands Coals Coalheughs and others therein expressd Proceeding on the resignations of John Earl of Lauderdale and Sir Robert Dickson of Carberry and Containing a new gift of the haill For which one seasine by earth and stone at the place of Stonyhill is ordained to be sufficient To be holden of her Maty for paymt of the blench duty therein mentioned Together &c.

RATIFICATION of a Gift and Commission under pe Great Seal of the date at Saint James's the twenty ninth day of January Im vijc⁰ and three years Granted by her Maty with Consent foresaid to Sir Alexr Areskine of Cambo and Alexr Areskine his eldest lawful son Whereby the former gift of the office of Lyon King of Arms is confirmed to the said Sir Alexr during his life And he and his said son and longest liver of them are of new made during their lifetimes joint Lyons Kings of Arms And the names of Lyon King of Arms with the haill priviledges and casualities thereof are given to them both And the said Alexander Areskine is ordained to Execute the said office either wt his father or by himself as his said father shall judge fit And the power of prescribing ensigns armorial to vertuous persons is granted to them both And also ane hundred pound sterling of fee and sallary yearly is given to the said Sir Alexr during his life and after his death to his said son to continue during their lifetimes respective & successive Suspending always the Crowning of the said Alexander Areskine as Lion King of Arms so long as his father is alive In the haill heads &c.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the last day of May Im vijc⁰ and five years Granted by her Maty with consent foresaid to Sir William Dunbar of Hemprigs Knight and Baronet and Dame Margaret Sinclair his spouse and longest liver of them two in liferent as is therein mentioned and to Benjamin Dunbar their eldest lawll son and the heirs male tailzie & opr heirs & assigneys therein expressd under the provisions and conditions ment in the same, of the Lands of Auldweick, Tellstane which is appointed to be called Hemprigs, Kirkfield and other Lands mills multurs fishings harbours castles touers fortalices Burgh of Barony and pertinents therein ment proceeding on the resignation of John Earl of Breadalbain & John Lord Glenurquhie his son & pe other conveyances therein spēit And containing a new gift of the said haill Lands With an Erection of the pendicles of the touns and lands of Nostwick & Papigo formerly called the field of Nostaxigo and Elsey with houses biggings & yeards thereof in a Burgh of Barony called Hemprigs with the priviledge of keeping mercats and fairs and severall other priviledges And an Union of the haill Lands Burgh and others foresaid in a Barony called the Barony of Hemprigs Ordaining pe mannor place or castle of Hemprigs to be the prinll Mesuage thereof and one seasine by earth & stone thereat to be sufficient for the haill To be holden of her Maty for paymt of the blench and taxt ward duties rexive expressd in the said charter whereby the heirs are allowed to be entered notwithstanding of minority and a charter by pe said Earl of Breadalbain and Lord Glenurchie to Sr William in liferent and his said son and the heirs and assigneys foresaid in fee of the Lands of Airegill and others to be holden of themselves are Confirmed and Approven, Together &c.

ACT Ratifying a Charter under pe Great Seal of the date at Windsoir Castle the twenty fifth day of August Im vijc⁰ and two years granted by her Maty wt consent foresaid to Archbald Douglass of Cavers in liferent and William Douglass his eldest lawfull son and the heirs male of his body which failzieing to his other heirs male and failzieing of them to his heirs and assigneys whatsoever heretably and irredeemably under the provisions and conditions therein expressd of the Lands and Barony of Cavers with the office of sherifship of Roxburgh shire and the rest of the Lands mills teinds patronages and others therein specified proceeding upon his own resignation and containing a new gift of the haill With an Union thereof in the Barony of Cavers Ordaining pe mannour place of Cavers to be the prinll mesuage and one seasine by earth and stone thereat or any part of the Barony to be sufficient for the haill To be holden of her Majestie For paymt of the several duties mentioned in the said charter whereby the ward nonentry relief and marriage for the old Barony of Cavers are Assigned for paymt of and Taxt to the respective sums therein expressd and the heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the third day of February Im vijc⁰ and three years granted by her Maty with consent foresaid to William Bennet eldest lawfull son of Sir William Bennet of Grubbet his heirs and others therein mentioned herellly and irredeemably under the reservations and conditions therein expressd Of the Lands & Barony of Grubet and the rest of the lands mills woods fishings and others particularly and generally therein mentioned both prinll and in warrandice respective as is therein specified proceeding on

the Reſignations of the ſaid Sir William Bennet and of William Ker of Cherrytrees and the other conveyances therein ſet down And containing a Confirmation of the rights of a liferent Annuity granted to Elizabeth Hay spouse to the ſaid William Bennet with a new gift to him and his foresaids of the ſaid lands & Barony A diſsolution of the haill from all other Baronys and Lordſhips and an Erection thereof in one Barony to be called the Barony of Grubet Ordaining the mannor place of Marlefield to be the principal meſsuage and one seiſin be earth and ſtone thereat to be sufficient for the haill To be holden of her Ma^ty^ for paym^t^ of the reſpective ſums to which the ward nonentry relief and marriage when falling are Taxed and for which they are aſsigned by the ſaid charter whereby alſo the heirs are allowed to be entered notwithſtanding of minority, Together &c.

RATIFICATION of a Charter under ꝑe Great Seal of the date at Kenſingtoun the twenty eight day of June I^m^ vij^c^ and one years granted be ꝑe deceaſed King William with conſent of his Theſaury & Exchequer for the time to Robert Rutherford of Bowland lawfull ſon of umq^ll^ John Rutherfoord of Edgertoun his heirs and others therein men^t^ heretably and irredeemably of the lands of Bowland Bowſhank and others all Reſigned by Andrew Riddell of Hayning and of new Disponed to the ſaid Robert and his foreſaids by virtue of ꝑe ſaid Charter and united in one Barony called the Barony of Bowland Declaring the manner place of Bowland the prin^ll^ meſsuage and one ſeisin thereat or at any part of the ſaid Lands ſufficient for the haill To be holden of her Ma^ty^ for her ſelf and as come in place of the Archbiſhop of Saint Andrews reſpective for paym^t^ of the ſeveral duties therein expreſs'd with the marriage of the heir or heirs which when falling is by the ſaid charter Taxed to and aſsigned for paym^t^ of a certain ſum of money, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Hamptoun Court the eighteenth day of December I^m^ and vij^c^ years granted by the deceaſed King William w^t^ conſent foreſaid to John Scot of Well his heirs and aſsigneys here^ll^y and irredeemably proceeding on the reſignations & other conveyances therein expreſs'd of the half of the Toun and Lands of Dalcove and others therein expreſs'd both for the principall and in warrandice all thereby of new Diſponed To be holden of her Majeſty for payment of the ſeverall ſums to which the waird nonentry and relief for the ſaid Lands and marriage of the heirs when falling are taxed and for paym^t^ of which they are aſsigned and diſponed by the ſaid Charter whereby the heirs are alſo allowed to be entered notwithſtanding of minority Together with the precept of ſeaſine contained in the ſaid Charter And a diſpoſition and aſsignation of the premiſses granted by the ſaid John Scot and his ſon Walter on the twenty ninth and thirtieth days of April I^m^ vij^c^ and one years to Sir William Scot of Harden his heirs and aſsigns and the ſeaſine in his favors thereon of ꝑe Lands & others foreſaid.

ACT Ratifying a Charter under the Great Seal of the date at Saint James's the fifth day of May I^m^ vij^c^ and two years Granted by her Ma^ty^ with conſent of her Theſaury and Exchequ^r^ to Mr John Pringle advocat ſecond lawfull ſon to Andrew Pringle of Cliſtoun and his heirs & others therein men^t^ proceeding on the reſignations of Andrew Riddell of Hayning and the Magiſtrats of Selkirk reſpective and containing a new gift of the Lands and place of the forreſt of Hayning the burn Mill of Selkirk and others therein expreſs'd with an union thereof in one Barony of Hayning Declaring the mannor place of Hayning to be the prin^ll^ meſsuage and one seasine by earth and stone thereat or on any part of the Barony to be ſufficient for the haill To be holden of her Ma^ty^ as is mentioned in the ſaid charter whereby the marriage of the heir or heirs when falling is aſsigned for paym^t^ of a certain ſum which with the few duty therein men^t^ Her Ma^ty^ has accepted for all other duty furth of and for the ſaid Lands Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Whitehall the twenty ſecond of December I^m^ vij ^c^ and five years Granted by her Majeſty with conſent foreſaid to Captain Robert Johnſtoun late provoſt of Drumfreis in liferent and Robert Johnſtoun his eldeſt lawfull ſon and the heirs male of his body which failȝieing to the heirs and aſsigneys whatſoever of the ſaid Captain the eldeſt heir female ſucceeding without diviſion in fee heretably and under the proviſions and reſervations therein mentioned Proceeding on the ſea^l^ reſignations adjudications and o^ꝝ^ conveyances therein expreſs'd of the Twenty pound Land of Thrieve Grange the Lands and Baronies of Gelſtoun Keltoun heretable offices and others thereby diſponed prin^ll^ and in warrandice Containing a new gift or diſpoſition And a Diſjunction of ſeveral of the Lands Baronys and others therein expreſs'd from all Earldoms Lordſhips Baronies and others with an Union thereof in the Barony of Keltoun Ordaining the mannour place of Keltoun to be the prin^ll^ meſsuage and one ſeaſine by earth and ſtone thereat or on any part of the ſaid lands thereof to be ſufficient for the haill Barony and for the warrandice lands with the pertinents And containing an Erection of the Burgh of Kelton in a Burgh of Barony with pouer of keeping a weekly mercat and two yearly fairs thereat and ſea^ll^ other priviledges therein ſpe̅i^t^ To be holden of her Ma^ty^ for paym^t^ of the re̅ive duties men^t^ in the ſaid Charter Whereby the ward nonentry relief and marriage for the Barony of Gelſtoun when falling are Taxed to and aſsigned for paym^t^ of the ſeveral ſums therein expreſs'd, The heirs are allowed notwithſtanding of minority to be entered therein and in all the other adjudged lands therein ſpe̅i^t^ And ſeverall rights of the Kirklands of Gelſtoun & others are approven, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Edinburgh the eighteenth of January I^m^ vij^c^ and ſix years granted by her Majeſtie with conſent foreſaid to Mr David Plenderleith of Blyth Advocat and Helen Balfour his ſpouſe for her liferent uſe therein men^t^ in the caſes re̅ive expreſs'd in the ſame and to the heirs male betwixt them Which failȝieing to the other heirs of tailȝie and aſsigneys therein ſpe̅i^t^ under the proviſions and reſtrictions contained in the ſamen Charter Which proceeds on the resignation of the deceaſed David Plenderleith of Blyth and other reſignations and conveyances therein mentioned of the Eaſt ſide or half of the Lands of Kailȝie and o^ꝝ^ thereby diſponed prin^lly^ and in warrandice And contains a Confirmation of all the rights of the ſaid Lands with an Erection thereof in a Barony to be called the Barony of Kailȝie Ordaining one ſeiſin by earth and ſtone at the mannour place of Kailȝie to be ſufficient for the haill lands teinds and others prin^ll^ and warrandice To be holden of her Ma^ty^ for payment of the ſea^ll^ taxtward few and blench dutys mentioned in the ſaid Charter Whereby alſo the heirs are allowed to be entered notwithſtanding of minority, Together &c.

RATIFICATION of a Signature under her Majesties Royal hand With the diſcharge Gift and Diſpoſition thereon under the Privy Seal of the date at Kensingtoun the thirtieth day of October I^m^ vij^c^ and ſix years Granted by her Majeſty with conſent foreſaid to Charles Earl of Hopetoun his heirs and ſucceſsors Exonering them of ꝑe tenth of the ore of lead and other mines and mettalls win out of his mines at Hopetoun or One thouſand merks yearly in place thereof payable to her Ma^ty^ Conform to his infeftments and that of all years and terms preceeding Whitſunday laſt And disponing to them the foreſaid tenth of the ore or yearly value thereof foreſaid during three nineteen years after the ſaid term.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the twenty eight day of June I^m^ vij^c^ and one years granted by the late King William with conſent of his Theſaury and Exchequ^r^ for the time to David French Writer in Edinburgh

his heirs and afsigneyes whatfoever heretably and irredeemably under the refervations therein written Of the Town and Lands of Frenchland with touer fortalice mannor place mill milllands and pertinents thereof proceeding on an adjudication at the inftance of the faid David French againft Margaret French only lawful daur of umqll Thomas French eldeft lawfull son to the deceased William French portioner of Moffet & Confirming all the former rights Containing alfo a new Gift of the faid lands and others and ordaining one feafine at the manour place of Frenchland or any part of the faid Lands to be fufficient for the haill To be holden of her Maty for paymt of the refpective fums For which the ward nonentry relief and marriage when falling are by the faid Charter afsigned Allowing alfo the heirs to be entered even in minority Together &c.

RATIFICATION of a Gift under the Great Seal of the date at Kensingtoun the twenty eight of February Im vjc and ninety five Granted by his faid late Maty with confent forefaid to the Principal Profefsors and Maflers of the Colledge of Glafgow and their fuccefsors in office in name of the Univerfity of Three hundred pounds Sterling yearly to be wholly received in profecution of a former gift to the four Univerfities, out of the Bifhops rents in all time comeing To be applyed thus viz. Two hundred and thirty pounds thereof for paymt of the debts of the Univerfity untill fully fatisfied and the remaining feventy pounds for maintaining four burfars in divinity to have been prefented by his Maty as is therein mentioned at ten pounds Sterling yearly for the firft three years to each and fourty pounds Sterling the laft year at a forreign Univerfity of the Proteftant Religion And after paymt of the debts of the Univerfity the haill fum to be applyed partly for burfars partly for a profefsor or any other pious ufes in the Univerfity as fhould have been appointed by his Maty &c.

RATIFICATION of a Gift and Commifsion under the Privy Seal of the date at Kenfingtoun the eighteenth day of October Im vjc and six years Granted by her Maty with confent of her Commifsioners of Thefaury and Excheqr for the time to Daniel Steuart brother german to Sir William Steuart of Castlemilk during his life Appointing him Receiver General Collector & Cafhkeeper of the impofition for coinage in place of bullion and Disponing to him during the forefaid fpace pe said office with the yearly fee and fallary of one hundred pounds Sterling money out of the firft and readieft of the fund appointed for paying the fees and fallaries of the officers of the mint with the haill fees alfo and priviledges belonging thereto and all other freedoms and immunities proportionally which are allowed to the other officers of the faid mint except what is prohibited and innovated by Law Together alfo with convenient and futeable lodgeings within the faid Minthoufe for him and his family and Commanding the faid fee or fallary to be paid to him yearly termly & quarterly as to the faid other officers the firft terms paymt to be at Whitfunday next With pouer alfo to the faid Daniel and fuch as he fhall appoint for whom he fhall be anfwerable to uplift the faid impofition and put the fame in the Chist appointed for keeping thereof And to keep the key of the fame in manner therein ment &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the twenty fecond day of January Im vjc and feven years Granted by her Maty with confent foresaid to William Earl of Kilmarnock and his heirs male of tailzie and other heirs and afsigneys therein ment under the condition and declaration fpecified in the fame of the title and dignity of Earl of Kilmarnock Lord Boyd and Grugar &c. And of the Lands Lordfhip and Barony of Kilmarnock with patronage &c. teinds and others therein expreſs'd proceeding on his own refignation and Containing a Change of taxtward holding of the faid Lands Lordfhip and Barony of Kilmarnock to a Blench holding with a new Gift and an Erection of the faid haill Lands and others in the Lordfhip and Barony of Kilmarnock And an Erection of the Toun or Kirktoun of Kilmarnock in a Burgh of Barony to be called the Burgh and Toun of Kilmarnock With the haill priviledges thereof To be holden of her Majefty as is fully Expreſs'd in the faid Charter Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Windfoir Caftle the fifth day of Auguft Im vjc and six years granted by her Maty with confent foresaid to James Marquefs of Montrose in liferent and David Lord Graham his fon in fee and the heirs male of his body Which failzieng to the other heirs male and of tailzie and heirs and afsigns whatfoever of the faid Marquefs under the provifions and irritances &c. therein ment heretably and irredeemably of the honour title and dignity of Marquefs of Montrose Earl of Kincardin Lord Graham and Mugdock and of pe Marquifsat Earldom Lordfhip and Regality of Montrose Barony of Buchannan Earldom & Regality of Monteith Dukedom Earldom and Regality of Lennox Earldom and Regality of Dernlie comprehending respective as is therein expreſs'd with Chappell and Chancellary right of Jufticiary Efcheats of pe inhabitants and the feveral Burghs of Regality therein fpcit power of keeping fairs & mercats & other priviledges therein set down, the teinds annuities of teinds few duties out of the Iſles of Bute and Comrie and Watchmail of Kilpatrick With the feveral offices jurifdictions & others ment in the faid Charter which proceeds upon the refignation of the faid Marquefs and other Conveyances and Contains a new gift of the haill With a disjunction of the Barony of Buchannn and feveral other lands from all Sherifdoms and other jurifdictions and an annexation thereof to the Regality of Montrofe with a declaration That one feifin at pe houfe of Mugdock or mercat Crofs of the Burgh of Regality of Montrofe, thereby Erected, fhall be fufficient for the haill Dukedom Marquifsat Earldoms Lordfhips Baronys Sherifdoms Regalities lands teinds offices jurifdictions and others ment in pe faid Charter To be holden of her Majefty as Queen Princefs & Steuart of Scotland For payment of the feveral duties ment therein Whereby the taxtward holding of the faid Regality of Montrofe and others therein fpcit is Changed to Blench holding for paymt of two pennies yearly The heirs are allowed to be entered at any time of their age And the faid Marquefs his fon and their forefaids are allowed to difpofe on the faid Lands in haill or in part without confent of her Maty and without hazard of recognition Which is thereby Renounced and the feall rights therein fpcit of the Lands and Barony of Drummond alias Drymen & ors are Confirmed, Together &c.

RATIFICATION of a Charter or Gift under the Great Seal of the date at Windfoir Caftle the laft day of July Im vjc and six years granted by her Maty with confent forefaid to Sir Hugh Dalrymple of Northberwick Prefident of the Colledge of Juftice his heirs and Afsigneys whatsoever hereby and irredeemably of the Iſland and Rock called Bafs properly belonging to her Majefty and of all title her Maty has thereto particularly the right thereof granted by Sir Andrew Ramsay of Abbotshall to King Charles the Second Upon condition that the forefaid Charter or Gift fhall not prejudge the right of the folen geefe granted during her Matie pleafure to Lord Alexander Hay brother to the Marquefs of Tweeddale And that it fhall not hinder her Majefty to fortifie the faid Island with a garrifon as formerly Providing the fo doing fhall inferr no damnage to the faid Sir Hugh his right of property thereof To be Holden of her Maty for paymt of the blench duty therein mentioned, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the third of March Im vjc and two years granted by pe deceafed King William with confent of his Thefaury and Excheqr for the time to Mr Alexander Meinzies of Culterallors Advocat and Mary Meinzies his spouſe for her liferent therein ment under the reſtriction expreſs'd in the fame, and to the heirs male betwixt them and his other heirs male and heirs and

aſsigneys whatsoever of the half of the Lands Barony & mill of Culter lands of Culterallors and op^rs therein ſpēi^t in Lanerk ſhire proceeding on his own reſignation & containing a new gift of the haill To be holden of her Majeſty for paym^t of the ſeveral ſums for which the ward nonentry relief and marriage when falling are aſsigned and to which they are Taxed by the ſaid Charter whereby the heirs are allowed to be entered at any time of their age and full power of diſpoſing on the ſaid lands and others in haill or in part without conſent of her Majeſty or hazard of recognition as given to the ſaid Mr Alexander and his foreſaids, Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the fifteenth day of January I^m vij^ce and seven years Granted by her Ma^ty with conſent of her Theſaury & Exchequ^r to Mr John McKenzie of Cramond one of the prin^ll Clerks of Council and Seſsion and his heirs male and other heirs and aſsigneys therein men^t heretably and irredeemably proceeding on pe ſeveral Reſignations and conveyances therein expreſs'd of the Lands of Kings Cramond and op^rs lying in the ſhire of Edinburgh The Lands and Barony of Inchtuthill, lands of Meiklefardell and others in the ſhire of Perth The Toun and Lands of Holm Craigach and others in the ſhire of Inuerneſs with the ſeveral pertinents All thereby of new Diſponed and Containing a new Union of the Lands of Kings Cramond and others lying in the ſhire of Edin^r in one Barony called the Barony of Cramond, An annexation of the Lands of Meiklefardell and others in the ſhire of Perth to the Barony of Inchtuthill, and an Erection of the ſaid Barony and Lands added thereto in one Barony called the Barony of Delvin With an Union of the ſaid Toun and Lands of Holme & op^rs in the ſhire of Inuerneſs into one Barony called the Barony of Lentron Ordaining pe manour places of Cramond Delvin and Lentron to be the reſpective principal meſsuages of the ſaid ſeveral Baronies and one ſeaſine by earth and ſtone thereat or on any part of the ſaid ſea^ll Baronys to be ſufficient for the haill reſpective as is men^t in the said Charter Which contains alſo a Confirmation of all the rights of the ſaid ſeveral Baronys granted to the ſaid Mr John McKenzie & his authors To be holden of her Majeſty for payment of the ſea^ll duties ſpēi^t therein Whereby the ward nonentry relief and marriage when falling for the Baronys of Delvin and Lentron are Diſponed for the ſeveral ſums to which the ſame are thereby taxed, The heirs are allowed to be entered notwithſtanding of minority and the ſaid Mr John and his foreſaids are allowed to diſpoſe thereon in haill or in part without hazard of recognition, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Bath the twenty ſeventh of Auguſt I^m vij^c' and three years Granted by her Majeſty with conſent foreſaid to James Earl of Bute then deſigned Sir James Steuart of Bute and his heirs of tailzie and other heirs and aſsigneys therein men^t heretably and irredeemably proceeding on his own reſignation and ſeveral other conveyances of the Lands and Barony of Bute comprehending the Lands Baronys iſlands heretable offices of Conſtabulary of the Caſtle of Rotheſay with the caſtle ward duties and other Emoluments thereof Sheriſhip of Bute and Crounrie of the iſle thereof with the haill benefites belonging to the ſaid offices the priviledge of keeping fairs at Rotheſay, and of ſeveral other Lands mills woods fiſhings patronages teinds and others therein expreſs'd And Containing a confirmation of ſeveral rights in favors of the ſaid Earl and his foreſaids a gift and diſpoſition of the patronage & teinds of the kirk and paroch of Kingarth, A diſsolution of the ſaid haill lands and others and of the iſles of Bute Great Comray Inchmernock and all the touns iſles lochs and others lying locally in the ſaid iſles comprehending the Burgh and twenty pound land of Rotheſay from all Lordſhips Baronies and other juriſdictions And an Union of the ſame in the Barony and Regality of Bute With free Chappel and Chancery right of Juſticiary and other priviledges to the ſaid Earl and his foreſaids thereby made here^ll Baillies of the ſame And an Erection of the Burgh of Regality of Montstuart p^rby made head Burgh of the ſaid Regality the priviledge of fairs and mercats a new Gift of the haill and a declaration that one ſeiſin by earth and ſtone at the Caſtle of Rotheſay or any part of the ſaid Regality ſhall be ſufficient therefore To be holden of her Majeſty and her ſucceſsors Kings Princes and Steuarts of Scotland for paym^t of the ſeveral taxtward few and blench duties men^t in the ſaid Charter Together with the precept of Seaſine therein contain'd and inſtrument of Seaſine thereon In the haill heads and Clauſes thereof &c. Excepting always and Reserving furth of the ſaid Ratification and Charter and infeftment thereby ratified and regality abovementioned thereby Erected the here^ll right of Juſticiary general within the haill bounds abovewritten, belonging to John Duke of Argyll with the haill profites priviledges and caſualities of the ſame Which ſhall be noways prejudged by the ſaid Charter Erection and Ratification And Declaring that the foreſaid Right of Regality & Juriſdictions and priviledges therto belonging ſhall be extended no further than to the Lands properly belonging to the ſaid Earl of Bute and holden by him immediatly of her Majeſty.

ACT Ratifying a Gift and Commiſsion under the Privy Seal of the date at Saint James's the ninth day of March I^m vij^ce and five years Granted by her Majeſty with conſent foreſaid to William Drummond lawfull ſon to George Drummond of Blairdrummond during his life Of the truſt and office of Warden of the Mint and Coining houſe in this Kingdom With a yearly ſallary of one hundred and fifty pounds Sterling out of the firſt and readieſt of the fund appointed for paying the fees and ſallaries of the officers of the Mint conform to act of Parliament beginning the firſt terms paym^t at Lambmaſs then next and ſo yearly and termly thereafter during the ſpace foreſaid And of all other priviledges belonging to the ſaid office With power to appoint deputes and ſubſtitutes for whom he ſhall be anſwerable, and of commodious lodgeings in the ſaid mint for the uſe of him and his family.

RATIFICATION of a Letter of Gift and Confirmation under the Privy Seal of the date at Kenſingtoun the twenty firſt day of December I^m vij^ce and six years Approving and Confirming in favors of Dame Janet Halket ſpouſe to Sir Peter Halket of Pitfirren alias Wedderburn of Goſfurd Knight Baronet, her heirs and ſucceſsors in the Lands and Eſtate of Pitfirren the priviledge and liberty of Tranſporting furth of this Kingdom the coals within the bounds of the ſaid Eſtate free from payment of any cuſtome or bullion or any other duties whatſoever impoſed or to be impoſed according as the ſame has been enjoyed by her and her predeceſsors conform to their ancient rights and immemorial poſſeſsion And of new without prejudice but in corroboration of the ſaid right and poſſeſsion Diſponing to her and her foresaids the abovmen^t priviledge Declaring it lawfull to them to poſſeſs the ſaid immunity either by virtue of the ſaid former rights and immemorial poſſeſsion or of the ſaid new Grant or both or either the one without prejudice of the other which gift & confirma^n is granted by her Ma^ty with conſent as above.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the twenty ninth day of February I^m vij^ce and four years Granted by her Ma^ty with conſent foreſaid to John Doull writer in Edinburgh and his heirs and aſsigneys whatſoever heretably and irredeemably of the Lands of Underedge and Southernflat with the meadow thereof teind ſhaves and pertinents of the ſame and of theſe acres links and Cunninghare near Dunbar called Winterfield and others thereinmen^t proceeding on the Reſignations of George Aitkine of Underedge Andrew Martin writer in Edin^r John Earl of Roxburgh and Sir Andrew Ramſay of Abbotſhall reſpective and op^r conveyances men^t in the ſaid Charter which contains a new Gift or Diſpoſition of the haill Ordaining one ſeiſin upon any part of the ſaid lands to be ſufficient

his heirs and aſsigneyes whatſoever heretably and irredeemably under the reſervations therein written Of the Town and Lands of Frenchland with touer fortalice mannor place mill milllands and pertinents thereof proceeding on an adjudication at the inſtance of the ſaid David French againſt Margaret French only lawful daur of umqll Thomas French eldeſt lawfull son to the deceased William French portioner of Moffet & Confirming all the former rights Containing alſo a new Gift of the ſaid lands and others and ordaining one feaſine at the manour place of Frenchland or any part of the ſaid Lands to be ſufficient for the haill To be holden of her Maty for paymt of the reſpective ſums For which the ward nonentry relief and marriage when falling are by the ſaid Charter aſsigned Allowing alſo the heirs to be entered even in minority Together &c.

RATIFICATION of a Gift under the Great Seal of the date at Kensingtoun the twenty eight of February Im vjc° and ninety five Granted by his ſaid late Maty with conſent foreſaid to the Principal Profeſsors and Maſters of the Colledge of Glaſgow and their ſucceſsors in office in name of the Univerſity of Three hundred pounds Sterling yearly to be wholly received in proſecution of a former gift to the four Univerſities, out of the Biſhops rents in all time comeing To be applyed thus viz. Two hundred and thirty pounds thereof for paymt of the debts of the Univerſity untill fully ſatisfied and the remaining ſeventy pounds for maintaining four burſars in divinity to have been preſented by his Maty as is therein mentioned at ten pounds Sterling yearly for the firſt three years to each and fourty pounds Sterling the laſt year at a forreign Univerſity of the Proteſtant Religion And after paymt of the debts of the Univerſity the haill ſum to be applyed partly for burſars partly for a profeſsor or any other pious uſes in the Univerſity as ſhould have been appointed by his Maty &c.

RATIFICATION of a Gift and Commiſsion under the Privy Seal of the date at Kenſingtoun the eighteenth day of October Im vjc° and six years Granted by her Maty with conſent of her Commiſsioners of Theſaury and Excheqr for the time to Daniel Steuart brother german to Sir William Steuart of Castlemilk during his life Appointing him Receiver General Collector & Caſhkeeper of the impoſition for coinage in place of bullion and Disponing to him during the foreſaid ſpace pe said office with the yearly fee and ſallary of one hundred pounds Sterling money out of the firſt and readieſt of the fund appointed for paying the fees and ſallaries of the officers of the mint with the haill fees alſo and priviledges belonging thereto and all other freedoms and immunities proportionally which are allowed to the other officers of the ſaid mint except what is prohibited and innovated by Law Together alſo with convenient and ſuteable lodgeings within the ſaid Minthouſe for him and his family and Commanding the ſaid fee or ſallary to be paid to him yearly termly & quarterly as to the ſaid other officers the firſt terms paymt to be at Whitſunday next With power alſo to the ſaid Daniel and ſuch as he ſhall appoint for whom he ſhall be anſwerable to uplift the ſaid impoſition and put the ſame in the Chist appointed for keeping thereof And to keep the key of the ſame in manner therein ment &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the twenty ſecond day of January Im vjc° and ſeven years Granted by her Maty with conſent foresaid to William Earl of Kilmarnock and his heirs male of tailzie and other heirs and aſsigneys therein ment under the condition and declaration ſpecified in the ſame of the title and dignity of Earl of Kilmarnock Lord Boyd and Grugar &c. And of the Lands Lordſhip and Barony of Kilmarnock with patronage &c. teinds and others therein expreſs'd proceeding on his own reſignation and Containing a Change of taxtward holding of the ſaid Lands Lordſhip and Barony of Kilmarnock to a Blench holding with a new Gift and an Erection of the ſaid haill Lands and others in the Lordſhip and Barony of Kilmarnock And an Erection of the Toun or Kirktoun of Kilmarnock in a Burgh of Barony to be called the Burgh and Toun of Kilmarnock With the haill priviledges thereof To be holden of her Majeſty as is fully Expreſs'd in the ſaid Charter Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Windſoir Caſtle the fifth day of Auguſt Im vjc° and six years granted by her Maty with conſent foresaid to James Marqueſs of Montrose in liferent and David Lord Graham his ſon in fee and the heirs male of his body Which failzieng to the other heirs male and of tailzie and heirs and aſsigns whatſoever of the ſaid Marqueſs under the proviſions and irritances &c. therein ment heretably and irredeemably of the honour title and dignity of Marqueſs of Montrose Earl of Kincardin Lord Graham and Mugdock and of pe Marquiſsat Earldom Lordſhip and Regality of Montrose Barony of Buchannan Earldom & Regality of Monteith Dukedom Earldom and Regality of Lennox Earldom and Regality of Dernlie comprehending respective as is therein expreſs'd with Chappell and Chancellary right of Juſticiary Eſcheats of pe inhabitants and the ſeveral Burghs of Regality therein ſpēit power of keeping fairs & mercats & other priviledges therein set down, the teinds annuities of teinds few duties out of the Iſles of Bute and Comrie and Watchmail of Kilpatrick With the ſeveral offices juriſdictions & others ment in the ſaid Charter which proceeds upon the reſignation of the ſaid Marqueſs and other Conveyances and Contains a new gift of the haill With a disjunction of the Barony of Buchanan and ſeveral other lands from all Sheriſdoms and other juriſdictions and an annexation thereof to the Regality of Montroſe with a declaration That one ſeiſin at pe houſe of Mugdock or mercat Croſs of the Burgh of Regality of Montroſe, thereby Erected, ſhall be ſufficient for the haill Dukedom Marquiſsat Earldoms Lordſhips Baronys Sheriſdoms Regalities lands teinds offices juriſdictions and others ment in pe ſaid Charter To be holden of her Majeſty as Queen Princeſs & Steuart of Scotland For payment of the ſeveral duties ment therein Whereby the taxtward holding of the ſaid Regality of Montroſe and others therein ſpēit is Changed to Blench holding for paymt of two pennies yearly The heirs are allowed to be entered at any time of their age And the ſaid Marqueſs his ſon and their foreſaids are allowed to diſpoſe on the ſaid Lands in haill or in part without conſent of her Maty and without hazard of recognition Which is thereby Renounced and the ſeall rights therein ſpēit of the Lands and Barony of Drummond alias Drymen & oirs are Confirmed, Together &c.

RATIFICATION of a Charter or Gift under the Great Seal of the date at Windſoir Caſtle the laſt day of July Im vjc° and six years granted by her Maty with conſent foreſaid to Sir Hugh Dalrymple of Northberwick Preſident of the Colledge of Juſtice his heirs and Aſsigneys whatsoever hereby and irredeemably of the Iſland and Rock called Baſs properly belonging to her Majeſty and of all title her Maty has thereto particularly the right thereof granted by Sir Andrew Ramsay of Abbotshall to King Charles the Second Upon condition that the foreſaid Charter or Gift ſhall not prejudge the right of the ſolen geeſe granted during her Mats pleaſure to Lord Alexander Hay brother to the Marqueſs of Tweeddale And that it ſhall not hinder her Majeſty to fortifie the ſaid Island with a garriſon as formerly Providing the ſo doing ſhall inferr no damnage to the ſaid Sir Hugh his right of property thereof To be Holden of her Maty for paymt of the blench duty therein mentioned, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensingtoun the third of March Im vjc° and two years granted by pe deceaſed King William with conſent of his Theſaury and Excheqr for the time to Mr Alexander Meinzies of Culterallors Advocat and Mary Meinzies his ſpouſe for her liferent therein ment under the reſtriction expreſs'd in the ſame, and to the heirs male betwixt them and his other heirs male and heirs and

aſsigneys whatsoever of the half of the Lands Barony & mill of Culter lands of Culterallors and opʳˢ therein ſpēiᶠ in Lanerk ſhire proceeding on his own reſignation & containing a new gift of the haill To be holden of her Majeſty for paymᵗ of the ſeveral ſums for which the ward nonentry relief and marriage when falling are aſsigned and to which they are Taxed by the ſaid Charter whereby the heirs are allowed to be entered at any time of their age and full power of diſpoſing on the ſaid lands and others in haill or in part without conſent of her Majeſty or hazard of recognition as given to the ſaid Mʳ Alexander and his foreſaids, Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the fifteenth day of January Iᵐ vijᶜʸ and seven years Granted by her Maᵗʸ with conſent of her Theſaury & Excheqʳ to Mʳ John McKenzie of Cramond one of the prinᴵˡ Clerks of Council and Seſsion and his heirs male and other heirs and aſsigneys therein mentᵗ heretably and irredeemably proceeding on ꝑe ſeveral Reſignations and conveyances therein expreſs'd of the Lands of Kings Cramond and opʳˢ lying in the ſhire of Edinburgh The Lands and Barony of Inchtuthill, lands of Meiklefardell and others in the ſhire of Perth The Toun and Lands of Holm Craigach and others in the ſhire of Inuerneſs with the ſeveral pertinents All thereby of new Diſponed and Containing a new Union of the Lands of Kings Cramond and others lying in the ſhire of Edinʳ in one Barony called the Barony of Cramond, An annexation of the Lands of Meiklefardell and others in the ſhire of Perth to the Barony of Inchtuthill, and an Erection of the ſaid Barony and Lands added thereto in one Barony called the Barony of Delvin With an Union of the ſaid Toun and Lands of Holme & opʳˢ in the ſhire of Inuerneſs into one Barony called the Barony of Lentron Ordaining ꝑe manour places of Cramond Delvin and Lentron to be the reſpective principal meſsuages of the ſaid ſeveral Baronies and one feaſine by earth and ſtone thereat or on any part of the ſaid ſeaᴵˡ Baronys to be ſufficient for the haill reſpective as is mentᵗ in the said Charter Which contains alſo a Confirmation of all the rights of the ſaid ſeveral Baronys granted to the ſaid Mʳ John McKenzie & his authors To be holden of her Majeſty for payment of the ſeaᴵˡ duties ſpēiᶠ therein Whereby the ward nonentry relief and marriage when falling for the Baronys of Delvin and Lentron are Diſponed for the ſeveral ſums to which the ſame are thereby taxed, The heirs are allowed to be entered notwithſtanding of minority and the ſaid Mʳ John and his foreſaids are allowed to diſpoſe thereon in haill or in part without hazard of recognition, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Bath the twenty ſeventh of Auguſt Iᵐ vijᵒ and three years Granted by her Majeſty with conſent foreſaid to James Earl of Bute then deſigned Sir James Steuart of Bute and his heirs of tailzie and other heirs and aſsigneys therein mentᵗ heretably and irredeemably proceeding on his own reſignation and ſeveral other conveyances of the Lands and Barony of Bute comprehending the Lands Baronys iſlands heretable offices of Conſtabulary of the Caſtle of Rotheſay with the caſtle ward duties and other Emoluments thereof Sheriſship of Bute and Crounrie of the iſle thereof with the haill benefites belonging to the ſaid offices the priviledge of keeping fairs at Rotheſay, and of ſeveral other Lands mills woods fiſhings patronages teinds and others therein expreſs'd And Containing a confirmation of several rights in favors of the ſaid Earl and his foreſaids a gift and diſpoſition of the patronage & teinds of the kirk and paroch of Kingarth, A diſsolution of the ſaid haill lands and others and of the iſles of Bute Great Comray Inchmernock and all the touns iſles lochs and others lying locally in the ſaid iſles comprehending the Burgh and twenty pound land of Rotheſay from all Lordſhips Baronies and other juriſdictions And an Union of the ſame in the Barony and Regality of Bute With free Chappel and Chancery right of Juſticiary and other priviledges to the ſaid Earl and his foreſaids thereby made heᴵˡ Baillies of the ſame And an Erection of the Burgh of Regality of Montstuart ꝑby made head Burgh of the ſaid Regality the priviledge of fairs and mercats a new Gift of the haill and a declaration that one ſeiſin by earth and ſtone at the Caſtle of Rotheſay or any part of the ſaid Regality ſhall be ſufficient therefore To be holden of her Majeſty and her ſucceſsors Kings Princes and Steuarts of Scotland for paymᵗ of the ſeveral taxtward few and blench duties mentᵗ in the ſaid Charter Together with the precept of Seaſine therein contain'd and inſtrument of Seaſine thereon In the haill heads and Clauſes thereof &c. Excepting always and Reserving furth of the ſaid Ratification and Charter and infeftment thereby ratified and regality abovementioned thereby Erected the heᴵˡ right of Juſticiary general within the haill bounds abovewritten, belonging to John Duke of Argyll with the haill profites priviledges and caſualities of the ſame Which ſhall be noways prejudged by the ſaid Charter Erection and Ratification And Declaring that the foreſaid Right of Regality & Juriſdictions and priviledges therto belonging ſhall be extended no further than to the Lands properly belonging to the ſaid Earl of Bute and holden by him immediatly of her Majeſty.

ACT Ratifying a Gift and Commiſsion under the Privy Seal of the date at Saint James's the ninth day of March Iᵐ vijᶜʸ and five years Granted by her Majeſty with conſent foreſaid to William Drummond lawfull ſon to George Drummond of Blairdrummond during his life Of the truſt and office of Warden of the Mint and Coining houſe in this Kingdom With a yearly ſallary of one hundred and fifty pounds Sterling out of the firſt and readieſt of the fund appointed for paying the fees and ſallaries of the officers of the Mint conform to act of Parliament beginning the firſt terms paymᵗ at Lambmaſs then next and ſo yearly and termly thereafter during the ſpace foreſaid And of all other priviledges belonging to the ſaid office With power to appoint deputes and ſubſtitutes for whom he ſhall be anſwerable, and of commodious lodgeings in the ſaid mint for the uſe of him and his family.

RATIFICATION of a Letter of Gift and Confirmation under the Privy Seal of the date at Kenſingtoun the twenty firſt day of December Iᵐ vijᶜʸ and six years Approving and Confirming in favors of Dame Janet Halket ſpouſe to Sir Peter Halket of Pitfirren alias Wedderburn of Gosfurd Knight Baronet, her heirs and ſucceſsors in the Lands and Eſtate of Pitfirren the priviledge and liberty of Tranſporting furth of this Kingdom the coals within the bounds of the ſaid Eſtate free from payment of any cuſtome or bullion or any other duties whatſoever impoſed or to be impoſed according as the ſame has been enjoyed by her and her predeceſsors conform to their ancient rights and immemorial poſſeſsion And of new without prejudice but in corroboration of the ſaid right and poſſeſsion Diſponing to her and her foresaids the abovmentᵗ priviledge Declaring it lawfull to them to poſſeſs the ſaid immunity either by virtue of the ſaid former rights and immemorial poſſeſsion or of the ſaid new Grant or both or either the one without prejudice of the other which gift & confirmaᶜᵒⁿ is granted by her Maᵗʸ with conſent as above.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the twenty ninth day of February Iᵐ vijᶜʸ and four years Granted by her Maᵗʸ with conſent foreſaid to John Doull writer in Edinburgh and his heirs and aſsigneys whatſoever heretably and irredeemably of the Lands of Underedge and Southernflat with the meadow thereof teind ſhaves and pertinents of the ſame and of theſe acres links and Cunninghare near Dunbar called Winterfield and others thereinmentᵗ proceeding on the Reſignations of George Aitkine of Underedge Andrew Martin writer in Edinʳ John Earl of Roxburgh and Sir Andrew Ramſay of Abbotſhall reſpective and opʳ conveyances mentᵗ in the ſaid Charter which contains a new Gift or Diſpoſition of the haill Ordaining one ſeiſin upon any part of the ſaid lands to be ſufficient

therefore To be holden of her Ma^ty for paym^t of the fea^ll duties expreſs'd in the ſame whereby the duties of ward nonentry relief and marriage when falling for the ſaid Lands of Underedge and Southernflat are aſsigned for and taxed to the respective ſums thereinmen^t And the heirs are allowed to be entered notwithſtanding of minority, Together &c.

RATIFICATION of a Charter under the Great Seal granted by her Ma^ty with conſent foreſaid of the date at Kenſingtoun the twentieth day of May I^m vij^cs and four years proceeding on the reſignation of Captain James Cranſtoun of Glen in favors of the ſaid Captain and Miſtreſs Jean Murray his ſpouſe in conjunct fie and liferent for her liferent uſe only and to the heirs male betwixt them in fee Which failling to his other heirs male and his heirs and aſsigns thereinmen^t heretably and irredeemably under the reſervations and proviſions therein expreſs'd of the Lands of Glen and others w^t the pertinents For all which one ſeaſine taken upon any part of the ſaid lands is declared to be ſufficient To be holden of her Ma^ty for paym^t of the ſeveral duties men^t in the ſaid Charter whereby the ward nonentry relief and marriage when falling for the Lands of Glen p^rin men^t are Taxed to and aſsigned for paym^t of the reſpective ſums thereinſp^ēi^t The heirs notwithſtanding of minority are allowed to be entered and infeft therein and the ſaid Captain James Cranſtoun and his foreſaids are allowed to Dispoſe thereon in haill or in pairt without hazard of Recognition Together with the precept of ſeaſine contained in the ſaid Charter and *Inſtrument* of ſeiſin thereon.

ACT Ratifying a Charter under the Great Seal of the date at Kensingtoun the eighteenth day of February laſt granted by her Majeſty with conſent foreſaid in proſecution of an Act of Parliament Diſsolving the Earldom of Orkney and Lordſhip of Zetland from the Crown in favors of James Earl of Mortoun and his heirs male whatſoever ſucceeding to his honour and dignity Which failzieing to his heirs and aſsigneys whatſoever of the ſaid Earldom of Orkney and Lordſhip of Zetland with all Lands regalities iſles caſtles towers mills fiſhings graſsums touns burghs ārents few duties udal lands teinds patronages offices of Juſticiary ſheriffſhip Steuartry Bailliary or Feudary within the ſame with wrack and wair and all priviledges belonging to the ſaid offices With power to hold Courts and Conſtitute deputes Clerks and other members thereof And of the right of pe few duties and other duties of the heretable Vaſsalls and the ſole power of entering them in her Ma^ts name who ſtill remains ſuperior and to Grant Charters and dispoſe on the caſualities of the Vaſsalls without prejudice to him of the ſuperiorities and caſualities of ſuch vaſsalls as held formerly of the Earls of Orkney And with liberty to her Ma^ts Vaſsalls to take their holdings of the ſaid Earl of Mortoun in their option, Together with all right and title her Ma^ty has to the premiſses or to the duties ferms & profites thereof for cropt I^m vij^c^ and ſeven and in time comeing as is men^t in the ſaid Charter whereby the haill foreſaid Lands and others are United in one Earldom Lordſhip and Barony With priviledge of Juſticiary Sheriffſhip or Steuartry Bailliary or Feudary called the Earldom of Orkney and Lordſhip of Zetland Ordaining one ſeaſine at the Caſtle of Kirkwall or any part of the ſaid Lands to be ſufficient for the haill premiſses Redeemable always by her Ma^ty and ſucceſsors for thirty thouſand pounds Sterling as is expreſsed by the ſaid Charter With proviſion that the ſaid Earl ſhall not be accountable for his intromiſsions And that the rents of that year wherein the redemption is Declared ſhall belong to him To be holden of her Ma^ty for paym^t of the ſeveral few and other duties mentioned in the ſaid Charter and Act of Parliam^t relating thereto Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the twenty ſeventh day of February laſt granted by her Ma^ty with conſent foreſaid and proceeding on the Reſignations of John Earl of Stair and William Campbell reſpective in favors of the ſaid Earl his heirs male and of tailzie therein mentioned and other heirs and aſsigneys whatſoever heretably and irredeemably of the title and dignity of Earl of Stair Vicount of Dalrymple Lord Newliſtoun Glenluce and Stranrawer And of the Lands and Barony of Stair and the reſt of the Lands Lordſhips Baronies patronages mills fiſhings heretable offices fees and others particularly and generally thereinmen^t under the reſervations proviſions and conditions expreſs'd therein whereby all the rights of the office of Bailliary of the Lordſhip and regality of Glenluce and of the lands and Baronys pertaining to the abbacy thereof granted to the ſaid Earl and to his predeceſsors and authors are confirmed, The Toun of Glenluce is appointed the head burgh of the Regality thereof in place of the Burgh of Barnhill The haill lands & op^rs thereinſp^ēi^t are United in one Earldom Lordſhip and Barony called The Earldom of Stair Lordſhip and Barony of Dalrymple the manour place of Stair is appointed to be the prin^ll Meſsuage thereof and one ſeiſin by earth and ſtone thereat or any part of the ſaid Lands is declared ſufficient for the haill To be holden of her Ma^ty for paym^t of the ſeveral duties spē^i^t in the ſaid Charter By which the heirs notwithſtanding of minority are allowed to be entered and infeft in ſome of the ſaid Lands holden in taxtward Together &c.

RATIFICATION of a tack under the Great Seal of the date at Saint James's the twenty eight of February laſt Granted by her Majeſty with conſent foresaid to Edward Hyde eldeſt lawful ſon to Edward Lord Cornburry and nephew of umq^ll Charles Duke of Lenox his Granduncle and nephew of umq^ll Lady Kathrin Steuart alias *Obrian* his Grandaunt ſiſter to the ſaid Duke and to his heirs and aſsigneys and to Henry Lord Hyde eldeſt lawful ſon of Laurence Earl of Rocheſter for the uſe of the ſaid Edward Hyde during his minority Of the few duties of the Island of Ila with the pertinents extending to nine thouſand merks ſcots yearly and that for three nineteen years after Whitſunday I^m vij^cs and one years For payment of five hundred pounds ſcots money yearly at Candlemaſs in name of tack duty Beginning the firſt terms payment at Candlemaſs next for this and the former years of the ſaid tack Whereby all Rights prejudicial thereto or to any other right of the ſaid few ferms and duties which the ſaid Edward Hyde has or ſhall acquire are Revocked and Declared null.

ACT Ratifying a Charter under the Great Seal of the date at Windſoir Caſtle the laſt day of *May* I^m vij^cs and six years granted by her Ma^ty with conſent foresaid to Archbald Earl of Roſeberry and to his heirs and aſsigneys whatſoever heretably and irredeemably of the Lands and Barony of Pitravie and the reſt of the Lands teinds and others thereby diſponed both principall and in warrandice as is therein expreſs'd proceeding on the reſignation of Sir Henry Wardlaw of Pitrevie and the other conveyances mentioned therein And Containing a new Gift or diſpoſition of the haill A disjunction thereof from all other Lordſhips and Baronys and a new Erection thereof in the Barony of Roſeberry With power of building an harbour on any part thereof and of receiving and applying to their own uſe the ſmall cuſtomes anchorage plankadge and other duties thereto belonging And an Erection of the Toun of Primroſe in a burgh of Barony the priviledge of keeping fairs and mercats and other priviledges mentioned in the ſaid Charter By which the manour place of Pitrevie is appointed to be the principal meſsuage of the said Barony And one ſeiſin by earth and ſtone thereat or on any part of the ſaid lands is Declared ſufficient for the haill To be holden of her Majeſty for payment of the ſeveral duties ſpecified therein And it is Declared That the ſuffering of two terms of the few duty of the Lands of Eaſter Gellets to run in the third unpaid ſhall not inferr a breech of the few thereof notwithſtanding of the irritant clauſes in former Infeftments And the duties of ward nonentry relief and marriage, when falling, for ſeverall of the Lands and others therein mentioned are Diſponed and aſsigned for paym^t of, and Taxed to the reſpective ſums therein expreſs'd And alſo the heirs

are allowed notwithſtanding of minority to be entered and infeft therein, Together &c.

RATIFICATION of a Charter and Gift under the Great Seal of the date at Windſoir Caſtle the twelvth day of Auguſt I^m vj^c^ and six years Granted by her Ma^ty^ w^t^ conſent foreſaid to the ſaid Archbald Earl of Roſeberry and his heirs therein ſpēi^t^ heretably and irredeemably of ꝑe Iſland of Garvie and haill bounds thereof with all and ſundry parts pendicles and pertinents of ꝑe ſame lying in the river of Forth betwixt the South and North ferries and all right and title her Majeſty has thereto To be holden of her Ma^ty^ for paym^t^ at Whitſunday yearly of One penny Scots in name of blench ferme, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the Eleventh day of February laſt granted by her Majeſty with conſent foreſaid to David Earl of Glaſgow and to his heirs male of tailȝie and other heirs and aſsigneys therein mentioned heretably and irredeemably under the proviſions and conditions therein expreſs'd Of the five pound Land of Kelburn, Barony thereof Lands of Montgomriſtoun and others all thereby of new diſponed, Disjoined from all other Baronys and Erected in one Earldom, Lordſhip and Barony called the Earldom of Glaſgow Lordſhip and Barony of Kelburn and Largs Ordaining the manour place of Kelburn to be the prin^ll^ meſsuage and one ſeaſine by earth and ſtone thereat or on any part of the ſaid Lands to be ſufficient for the haill Proceeding on the ſaid Earl his own Reſignation And also to Jean Counteſs of Glasgow and the ſaid Earl in liferent with the reſtriction therein mentioned and to ꝑe heirs male of their marriage in fee which failȝieing the other heirs of tailȝie and heirs and aſsigneys expreſs'd in the ſaid Charter under the reſervations and proviſions therein ſpēi^t^ proceeding on the ſaid Counteſs her reſignation of the Lands and Barony of Rowallan and others alſo thereby of new diſponed And of new United and Erected in one Barony called the Barony of Rowallan, Ordaining the Manour place of Rowallan to be the prin^ll^ Meſsuage and one ſeaſine be earth and ſtone to be ſufficient for the haill To be holden of her Ma^ty^ as Queen Princeſs and Steuart of Scotland for paying a penny Scots money yearly for each of the ſaid Baronys whereof the former Taxtward few or other kinds of holding is by the ſaid Charter changed to Blench for paym^t^ of the ſaid blench duty And all the irritant Clauſes contained in the original infeftments of the ſaid Lordſhip and Barony of Kelburn are Diſcharged, Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Saint James's the ſeventh day of February laſt Granted by her Majeſty with conſent foreſaid to Hugh Earl of Loudoun &c. and his heirs therein mentioned Of the title and Dignity of Earl of Loudoun Lord Mauchline and Terringean with the precedencies and priviledges thereto belonging and to him his heirs male of tailȝie and other heirs & aſsigneys therein mentioned under the proviſions and conditions therein expreſs'd Of the Lands Earldom and Eſtate of Loudoun comprehending the ſeveral Lands Baronys and others therein ſpēi^t^ with the teinds patronages burghs of Barony priviledges of keeping fairs and mercats The Lands and Baronys of Kylesmure and Barmure and the reſt of the Lands and others therein expreſs'd proceeding upon the reſignation of the ſaid Earl and the ſeveral other Conveyances ſpecified therein Whereby alſo her Majeſty as Queen Princeſs and Steuart of Scotland for the onerous cauſes therein mentioned not only Renunces the Contract therein ſpēi^t^ betwixt King Charles the firſt and the deceaſed John Earl of Loudoun of the date the thirteenth of April and fifth day of August I^m^ vj^c^ and thirty years with the obligation therein men^t^ for resigning in his Ma^te^ hands the heretable office of Bailliary and Juſticiary and Bailliary of Regality within the bounds of the Lordſhip and Baronys of Kylesmure and Barmure w^t^ the prōry of reſignation and all other clauſes contained therein But alſo Renewes & Reſtores to the ſaid Hugh Earl of Loudoun and his foreſaids the foreſaid offices with all Juriſdictions Caſualities of Eſcheat and others belonging thereto And further for the cauſes foreſaid Renewes and Reſtores to him and his foreſaids as come in place of the ſaid John Earl of Loudoun in manner therein mentioned All the rights and ſecurities particularly and generally therein ſpecified of the ſaid Lands Lordſhip and Baronys of Kylesmure and Barmure And Sicklike not only Restores the ſaid Earl againſt the Contract therein men^t^ betwixt John Earl of Traquhair and the ſaid John Earl of Loudoun concerning the ſuperiorities of the ſaid Lands and others But alſo for the cauſes foreſaid Renunces in his favors the Reverſions of the ſaid Lands Lordſhip and Baronies of Kylesmure and Barmure mentioned in the two Contracts made thereanent and particularly ſpecified in the ſaid Charter with all that had followed thereon Which Charter contains a new gift or diſpoſition of the ſaid haill lands and others and of the ſaid here^ll^ offices of Juſticiary Bailliary and Bailliary of Regality of the ſaid Lordſhip and Baronys of Kylesmure and Barmure with the Eſcheats of the Inhabitants of the ſaid Regality and other priviledges And an Erection and Union of the Baronys of Eaſter and Weſter Loudouns Martinham and Terringean w^t^ ꝑe exception ꝑin men^t^ in ꝑe Regality of Loudoun, And of the Lands of Over and Nether Sorns & oꝑ^rs^ in the Regality of Mauchline with Chappel and Chancery right of Juſticiary Eſcheats of the inhabitants and other priviledges pertaining to the ſaid ſeveral Regalities And an Erection of the Burgh of Newmills, thereby made the head Burgh of the Regality of Loudoun, and of the Burgh of Mauchline, thereby deſigned to be the head burgh of ꝑe foreſaid Lordſhip Regality and Baronies of Kylesmure and Barmure, and of the ſaid Regality of Mauchline, in Burghs of Regality with priviledge of fairs and mercats ꝑin and an Union of the ſaid Baronys of Eaſter and Weſter Loudouns Martinham Terringean Kylesmure and Barmure & others in the Earldom of Loudoun Ordaining one ſeiſin by earth and ſtone at the manour place of Loudoun or any oꝑ^r^ part of the Earldom to be ſufficient for the haill Lands Lordſhips Burghs & oꝑ^rs^ foreſaid To be holden of her Ma^ty^ for payment of the few and blench duties mentioned in the ſaid Charter Whereby ſeveral rights & ſecurities of the Lands & others above ſpecified & the liferent right therein men^t^ in favours of Lady Margaret Dalrymple now Counteſs of Loudoun, are confirmed, Together &c.

In the haill heads and clauſes of the ſaid ſeveral Writs, &c.

Ed^r^ 21 March 1707.

Liſt of Ratifications conſiſting of this & ꝑe twelve preceding pages read in Parl^t^ & approven.

SEAFIELD Cancellar. I. P. D. P.

XXIV MARTII, M.DCC.VII.

RECOMMENDATION in favours of the Earl of Crawfurd.

To his Grace her Majesties high Commiſsioner And the Right honourable The Eſtates of Parliament,

The petition of John Earle of Craufurd

Humbly Sheweth

THAT the deceaſt William Earle of Craufurd my father had the honour to ſerve as preſes in the Parliāt 1689 for which he had a precept of five hundred pound granted him And their then Majesties were pleased to continue him in the ſame Station during the Parliāt 1690 for which he never had any acknowledgement.

Your Grace and the honourable Eſtates of Parliament know that these who have the honour to ſerve in that Station are usually gratified by the Government on account of ther extraordinary charges Which makes me preſume to hope that this high and honourable Court may judge it reaſonable that what was usually given to others on that occaſsione may be ordered payable to me in such maner as the same may be made effectuall.

May it therfore please your Grace and the hon^ll^ Eſtates of Parliament to consider my present caſe And to grant war-

rand for my being payed on the forsaid account of what Soumes yow shall judge reasonable so as the same may be made effectuall to your petitioner. Crafurd.

Edr 24 Martij 1707.

Her Mãties high Cõmissioner & the Estates of Parliam[t] having heard this petition They Recommend the Petitioner to her Mãties justice & goodnesse for ordering the Cõmissioners to be appointed for distributing the Equivalent to make payment to the Petitioner of five hundered punds Sterling in such maner as they shall find just.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favors of Thomas Lockhart Surveyor of Customs at Leith.

To His Grace Her Majesties high Commissioner and Right Honorable The Estates of Parliament

The petition of Thomas Lockhart surveyor of Her Majesties Customs at Leith

Humbly Sheweth

THAT the Council of trade haveing in February 1706 Commissionat your Petitioner to make a scheme of a new book of rates for the ease of the Liedges, the former being obscure and difficult by subsequent prohibitorie and other laws; I with all care and exactness have inquired into the prime cost of all goods usually imported into this Kingdom, And from that, have compiled a book of rates, which I laid befor the Council of Trade, and now lyes with their approbation in their report, befor Your Grace and Lordships. In which I have considered what goods are absolutly necessary to our trade, what conveniently necessary and what superfluous, which I have accordingly rated. And for the satisfaction of Your Grace and Lordships have set down some privat marks (The explanation wherof is in my address at the beginning of the book) By which through the whole, the first cost of the goods may be known within a small matter, Except some few goods upon which some former Parliaments have laid great duties because of their being superfluous, which I have insert exactly as they pay by law. I have also carefully set down what goods are prohibited, what exeem'd, what free and by what laws, And given a particular account of the severall duties all enterable goods are lyable to. This hath been a work very expensive and laborious, and I hope shall yet be found of use; And for the exactness of the book I most humbly submit my self to the censure of the Parliament or what merchants Your Grace and Lordships shall appoint to examine it.

May it therfor please Your Grace and Lordships to take your petitioners great pains and expenses to your favorable consideration; And graciously please to recommend your petitioner to Her Majesties favour to continue me in my present post or for obtaining what other post Her Majestie shall think fit to bestow; And to give me allowance for my great pains and charges out of what fund your Grace and Lordships shall think proper And your petitioner shall ever pray &c. Tho: Lockhart.

Edr March 24, 1707.

Her Majestys High Commissioner and Estates of Parliament having considered the petitioners great pains & charges in compiling the within mentioned book of rates with the Councel of trade's approbation therof; Doe Recommend him to Her Majestys Royall favour, that he be continued in his present post, or provyded to what other Her Majesty shall think fit to bestow, And of her Royall Bounty to grant him such reward for his great labour & expense in this work as her Majesty shall judge proper.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of Ensign William Dick.

Unto His Grace Her Majesties High Commissioner and the Right Honourable The Estates of Parliãt

The Petition of William Dick Ensigne in her Majesties foot Guards, oye and appearand air to the deceast Mr John Dick who was eldest lawfull Son to the deceast [Sir William] Dick of Braid and the Creditors of the said Sir William Dick.

Humbly Sheweth

THAT where in the unhappie Civill Wars which fell out betwixt the 1641 and 1650 years of God, the said Sir William Dick of Braid being a man of very great fortune and credit, was engaged to Lend very vast Soumes to the Publick both of Scotland and England, partly because such Loans were Commanded by the then power and Government, and partly because Sir William did rely upon the faith of Bonds granted by severall Noble persons for the Soumes, and partly because the Soumes Lent at the tyme to the publick of England seemed to be Lent upon a publick fund.

The first alteration that happened in Sir William's was by the Succes which Oliver obtained, and which were followed with a kind of surcease of Justice; And albeit the said Sir William had Secured himself in the ordinary forms of Law, against the debitors persons and estates, for debts due to him here in Scotland, yet protections were given to the persons and estates of the debitors for the debts due in Scotland, which continued till the Restauration; And at the same tyme the Parliament of England neglecting Sir Williams application for payment of 36803 lib 5 ß & 9d Sterl due there Sir William was in his own lyfetyme reduced from a man of a very flourishing Estate, to dolefull poverty, and with him his Children and familie were involved in Calamitie; and besydes them Sir William haveing about 500000 Merks of debts borrowed to Serve the publick, which was not equall to a third of his visible fortune; these Creditors suffered heavily, and amongst them the Widowes and Orphans, as it happens, were still in the saddest Condition, and many of them to this day are kept under poverty and calamitie by that misfortune.

Sir William did in his own lyfetyme fairly relinquish his own Land Estate which was of very considerable Value to his Creditors who have enjoyed it ever since by themselves or these deryveing Right from them; So that the bitternes of these hardships fell chiefly upon Sir William himself and his Children.

The petitioners willingly pass over what happened after the Restauration, not being desyreous to give any trouble to these noble families who were ingaged in the debts, and who enjoy the Benefite of severall Acts which, without quarrelling the Justice of One shilling of Sir Williams Clame have cut it off.

But the petitioners doe with all humble Submission throw themselves at your Graces feet as Representing her Most Sacred Majestie, and at the feet of the Right Honourable the Estates of Parliãt most humbly beseeching some releif in Compassion and Justice, and doe with all respect presume that the Representatives of these noble and worthy persons who were Bound in the Bonds due by the Estates of Scotland extending to the Soume of 900000 Merks and upwards to the said Sir William, will generously Assist to see me the said William Dick the air apparent, and the saids necessitous Creditors, in some measure Redrest by the publick, for whom their predicessors are alleadged to have interposed.

Wee are the more encouraged to this, because there being a Representation given in, in the name of me the said William Dick and Elizabeth Duncan my deceast Mother in the Parliament 1695, The Parliament was pleased to Grant a Recommendation in our favours to His late Majestie King William.

To conclude, Wee doe with all humilitie presume, that when the publick debts of the Nation come to be Considered these due

to the deceast Sir William Dick and his Creditors will not utterly be forgot.

May it therefor please Your Grace, and the Right Honourable the Estates of Parliament, to take the crying and calamitous Case of Your Petitioners to Your serious and compaſsionat Consideration, And to Recommend to the Parliãt of Great Brittain the payment of the said 36803 lib 5 ſ 9d Sterl English debt. As also to take such order with the debts due in this Kingdome as may suit with the Justice and Gentlenes of Her Majesties Reigne and as may Supply and Releive the distrest Condition of the air and of the many poor calamitous Widowes, and Orphans representing the Creditors. And your petitioner shall ever pray.

Will: Dick.

Edr March 24, 1707.

Her Majeſtys High Commiſſioner & the Eſtates of Parliament having considered this petition They Recommend the caice [of the] petitioner to her Majeſty's Royall confideration.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of Mr Robert Henderson Bibliothecar of the College of Edinburgh.

To his Grace Her Majeſties High Commiſsioner and the right Honourable the Estates of Parliament

The Petition of Mr Robert Henderſon Bibliothecare of the Colledge of Edinburgh,

Humbly Sheweth

THAT whereas I have given frequent and uſeful Attendance for the ſpace of ſeveral years, upon all the Sederunts of the Commiſsion of Parliament holden in the Colledge of Edinburgh, for viſiting of Univerſities, Schools & Seminaries of Learning, and upon all their Cõmittees appointed to conſider the State & Advancement of Learning; And upon all the many Meetings of the Delegates from the whole Colledges in this Kingdome, employed about the Regulation of Univerſities and the compiling of a ſtanding and uniform courſe of Philoſophy and the Reviſing Correcting & Finiſhing all the parts of it: Upon which occaſions I was not only at great pains in writing the Minutes of what paſt there, but alſo in copying & tranſcribing the Amendments made upon the particular parts hereof, together with a number of Overtures, Obſerves & Reflexions, Anſwers & Replyes; and in Recording all Acts and Reſolves voted & agreed to in theſe Meetings: whereby my whole time was taken up, and I was quite diverted from minding my own private buſineſs: for the forſd Meetings were holden twyce every other day in the Library for the ſpace of four Months yearly, during ten years viz. fra the 20 of Auguſt 1690 to Auguſt 1700 and the Sederunts of each day laſted cõmonly from eight or nine in ye morning till twelve or one of ye Clock and from two or three in the afternoon to ſix ſeven or eight at night or later as their affairs required: beſides I was at no ſmall expences during all theſe long ſederunts by being obliged to keep a ſervant extraordinary, over & above ſeveral incident charges for Coal, Candle, Paper & cæt. Pipes Tobacco and what elſe to refreſh the Correſpondents, during their continued Meetings: All which is ſufficiently atteſted and inſtructed by an ample Teſtificate and Recommendation from the Right honourable the Earl of Marchmont, Earl of Hyndfoord Sir Robert Sinclair of Stevinſone Sr John Maxwell of Pollock Sr James Smollett of Bonehill Sr David Hume of Croſarig one of the Senators of the Colledge of Juſtice, Mr George Meldrum Mr George Hamilton Mr David Williamſone Mr John Law Mr William Crightone Mr John Moncreef Miniſters of ye Goſpell Mr Andrew Maſsie Mr John Tran Profeſsors of Philoſophy Members of the forſd cõmiſsion; and by a declaration under the hands of James Hamilton of Penketland Clerk thereto, and by the Teſtificates & Recõmendations from the Delegates of our reſpective Colledges of Edinburgh Aberdeen Glaſgow & St Andrews which recõmendatory Teſtificates are herewith produced.

I have likewiſe been at greater pains with the ſtudents of Divinity, and done them more ſervice than my office obliged me to, and more than any of my predeceſsors were in uſe to do or ever did. I have alſo compoſed a voluminous Alphabetical Catalogue of all the books in the Library of the ſd colledge of Edinburgh which is ye product of ſeveral years exceſsive pains & fatigue. And ſeeing the Reverend Doctor Hyde was highly gratified for what he did of that nature in the Bodleian Library; my Performance may deſerve ſome conſideration, ſeeing that or Library doth now bear a conſiderable proportion to thoſe that are moſt famous abroad.

May it therefore pleaſe your Grace and Lordſhips, to take the Premiſses to your conſideration, and either to allow your Petitioner ſuch a Gratuity and Reward for his Expences, Extraordinary Services, Pains Diligence and Attendance as your Grace and Lordſhips ſhall think fit; Or elſe to Recomend him to her Majesty for that effect.

And your Petitioner ſhall ever pray & cæt.

Robert Henderſon
Bibliothecare.

Edr March 24, 1707.

Her Majeſtys High Commiſſioner and the Eſtates of Parliament having conſidered the within petition They Recommend the caice of the Petitioner to her Majeſtys Royall favour.

SEAFIELD Cancellar. I. P. D. P.

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ACT in favours of Alexander Black & partners for a Starch Manufactory.

Unto his Grace Her Majeſty's High Commiſſioner, and the Right Honourable, the Eſtates of Parliament,

The Humble Petition of Alexander Black, William Henderſon, and James Wood, Merchants in Edinburgh.

THAT where, it is the conſtant care of all Lawgivers, to encourage Induſtry within their ſeveral Countries, in which Her Majeſty and Her Royal Predeceſſors, and the Parliament of this Kingdom, have ſhown Marks of their great Wiſdom and Care; and eſpecially for encouraging the Manufacture of the Native Product. The Petitioners do therefore moſt humbly preſume to repreſent to your Grace and the High and Honourable the Eſtates of Parliament, That the Starch Manufactories lately ſet up within this Kingdom, do not only make Starch equal to any Foreign Starch imported, but even better, which they have ſhown, by comparing the different Samples of Foreign and Home Starch to many Members of the Honourable Court of Parliament: And Starch being made only of Wheat, the Manufacture being duly encouraged, ſeveral Thouſand Bolls yearly may be conſumed that way, which will contribute to the Incouragement of the Labourer, and riſing, if not improving the Rents paid in that Grain. And beſides the Encouragement and Intertainment of thoſe concerned in the Manufacture, it will alſo greatly relieve the Poor and Neighbours to ſuch Manufactories; the Sowans and Groſs of the Wheat, which is a wholeſome and ſubſtantial Food, being ſold to the Poor at 4d. per Pint.

On the other hand, Foreign Starch being imported, it does not only deprive the Nation of theſe Advantages; but alſo it exports the Value in Money, being imported from places which need little of our Manufacture: Beſide that, the Starch for the moſt part is imported without payment of Duty by the Seamen, who carry their ſmall Stocks in *ſpecie* out of the Kingdom, and bring it home with them in Starch in ſmall Quantities, which they eaſily conceal and run; and the People of this Nation being fond of Foreign Goods, prefer it to their own, though better.

For Remead of theſe, and Encouragement of Manufactories ſo lately ſet up, we do humbly Addreſs our ſelves to your Grace

and the Honourable the Eſtates of Parliament, that in your wiſdom you would provide ſome Expedient; and if none better occurr, we preſume with all Submiſſion to beg, That all Foreign Starch at Importation be charged with the Duty of 12 lib. Scots upon each 100 Weight, to be collected without Fraud or Abatement, under the following Penalties, viz. 60 lib. Scots to be paid by the Importer who ſhall obtain Abatement, for every 100 Weight *toties quoties*, and 60 lib. Scots to be paid by the Cuſtom-Houſe Officer or Officers, at the Port where the ſaid Starch ſhall happen to be imported and Duty abated, for the firſt Offence; 120 lib. Scots for the ſecond Offence; and for the third Offence, deprivation of his or their Offices, and incapacity for the ſpace of a Year, to ſerve or be concerned in the Cuſtoms of Foreign Excife. And farther, That the Penalties foreſaid, ſhall be divided equally betwixt the Fisk and Informer; and where there is a Concourſe of more Informers, that any Maſter or Partner of a Starch Manufacture be preferred to any other Informer: And that the Fisk and all Informers do truly and effectually exact the Penalties abovementioned, certifieing ſuch Fiſcal or Informers, as ſhall upon any Pretext, or in any manner whatſomever, either connive with the Importers or Officers of the Cuſtom-Houſe, for obtaining Abſolvitors from Perſons, or who ſhall abate in the leaſt from the Penalties impoſed, that they ſhall be liable to pay for their reſpective Proportions to the firſt Informer, being a Maſter or Partner of a Starch Manufacture, the Penalties abovementioned.

And for as much as we have had the Charge and Expenſe of the firſt Experiment, in bringing the Starch Works to any kind of Perfection, which probably may with due Encouragement, manufacture and conſume a 4th part of the Victual Rent of the Kingdom, and ſave a greater Value of Money Yearly exported for that Commodity, beſides the Advantage of employing ſuch as are concerned in the Manufactories, and Eaſe to the Poor in their Neighbourhoods; we humbly hope, that your Grace and the High and Honourable Eſtates of Parliament will think our three Works worthy to be Erected in Manufactories, with the ordinary Privileges in the like Caſes, for ſuch number of Years as your Grace and the Right Honourable Eſtates of Parliament ſhall think fit.

May it therefore pleaſe your Grace and the Right Honourable the Eſtates of Parliament, to take the Premiſſes unto your Conſideration.. And if no better Expedient occurr, to paſs an Act in the Terms of our moſt humble Deſire abovementioned, for the better Encouragement of our Native Product, and of us and our Work-Houſes, that others may be excited to Manufacture the Native Product of this Kingdom in all its Branches.

Edr 24 March 1707.

Her Mãties high Commiſsioner & the Eſtates of Parliament having heard this bill they grant the desire therof as to the preference of the petitioners to other informers for the informers shairs of penalties & alſe as to the penalties demanded to be impoſed on the officers of the customs giving abaitment of the duties upon imported forraign stearch But ordain theſe duties to be such as are impoſed theron by the Engliſh book of Rates and refuſe the other demands of this Petition And ordain thir presents to be published at the mercat croſe of Edr & other places needfull that none pretend ignorance therof.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of James Finlayson.

To His Grace Her Majeſties High Commiſsioner And the Right Honourable The Eſtates of Parliament

The Petition of James Finlaysone servitor to Mr Robert Alexander one of the Clerks of Councill and Seſsion

Humbly Sheweth

THAT the said Mr Robert Alexander being of course Clerk to the Minuts dureing this long Seſsion of Parliament whereby I as his Servant have had the unpresidented trouble of wryting and transcribing the many Lists and Rolls of the members names as they gave their severall votes which were from time to time ordained to be Marked Recorded and Printed And of wryting and transcribing and prepairing Doubles of all the Minuts dureing this long Seſsion In performing of which service I have been at considerable charge and expences And it being agreeable to the honour bounty and justice of her Majestie and the Honourable Estates to Reimburse all their servants expences and Gratifie their pains in their service.

May it therfor please your Grace and the Honourable Estates to order me such a Gratification and allowance in conſideration of my service pains and expences as your Grace and Lordships shall Judge reasonable.

Edr 24 March 1707.

Her Majeſties high Commiſsioner and the Eſtates of Parliament in conſideration of the petitioners ſervice during this long Seſsion of Parliament doe hereby Recommend the Petitioner in a ſpeciall manner to the Lords of her Majeſties Theſaurie for ready and effectuall payment to be made to him of the ſoume of fifty pounds Starline money.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of John Hamilton Town Clerk of Irvine.

Unto His Grace Her Majeſties High Cõmiſsioner, and the Right Honorable Eſtates of Parliament

The Humble Repreſentation and Addreſſe of John Hamilton ſometyme wryter in Edr, now Clerk of Irving

Humblie Sheweth

WHEREAS in the Second Seſſion Firſt Parliament King James 7th Held at Edinburgh anno 1686 by the Earle of Murray Lord High Cõmiſſioner, a Propoſeal wes made to aboliſh the Penal Statutes againſt Papiſts (the only Lawes which ſecured the Proteſtant Religion to this Nation) and wes brought in before the Lords of the Articles; And a great many Popiſh fathers, Preiſts and Jeſuits then at Edinburgh and Holy-rood-houſe, in the habits and qualities of Gentlemen, had uſed all imaginable Solicitations and artifice, to get theſe ſtatutes aboliſhed, which they termed the Sanguinary and Bloody Lawes, in all their Traffickings and Converſations, upon a deſigne to get Papiſts advanced to places of publick truſt within this Kingdome, wherein some Papiſts at the ſame tyme were eminently poſted: And Popery threattening then like to a flood, to over-runn this whole Nation, if theſe Statutes had bein then aboliſhed; and the Court and Papiſts had left no Stone unturned, to obtain their deſigne.

The ſd John Hamilton did thereupon wryte a long Paper, entituled, Reasons why a Consent to aboliſh the Penal Statutes againſt Papiſts could not be given by any who owned the then Government in Church and State: Which being read, seen and heard of, by the greateſt pairt of the Honorable members of that Parliament, And being found and eſteemed by them to be a wryte, giveing all due deference to the Kings Majeſtie and Government, and Containing moſt ſtrong and convinceing arguments, many whereof deduced from the obligations of the Oath the Test; which all the Eſtates of that Parliament had ſworn: And the ſd Reaſons ſo extreamly takeing with all the Honorable Eſtates (except a few who were either themſelves Popiſh, or were friends to Papiſts) all the Proteſtant Nobility, Barrons and Cõmiſſioners from Burghs Royall, aſſerted, That the ſd Paper wes moſt seaſoneable, and neceſsary to be publiſhed and printed, in that juncture, when the Proteſtant Religion, and Lawes and Liberties of the Nation, were in eminent hazard of being overturned; And the Parliament and Nation having no other light by writing or printing to direct them in that momentous affair, but

what they had from the ſds Reaſons; And therefore deſyred the ſd John Hamilton might cauſe print the ſd Paper.

But in regaird no printer would or durst undertake to print theſe Reaſons, (a man being then counted ane offendar for a word) the greateſt pairt of the Repreſentatives of the Nation, Did earneſtly influence and urge the ſd John Hamilton to cauſe wryte and diſperſe alſ many doubles thereof, as might serve the whole members of Parliament, (which accordingly hee did) and adventured to Convoy some Coppies written with his oun hand, to His Majeſties Cōmiſſioner, The Earle of Perth Lord Chancelour, The Biſhops of St Andrewes, Glaſgow and Edinburgh, and to other Courtiers at Holy-rood-houſe: The force of which Reaſons ſo ſtraitned them, That they wrote anſuers thereto (fathered upon Sir Roger Le Strange then at the Abbay) which were alſo doubled and diſperſed in great numbers, by the Preiſts and Jeſuits, and their Agents. But the whole Parliament members by that tyme being previouſly furniſhed with Coppies of the ſd Reaſons; the Honorable Eſtates from their zeal for the true Proteſtant Religion and their regard for the Lawes and Liberties of this Nation, and from the force and influence of the moſt ſtrong and pungent arguments contained in the ſd diſperſed Paper, did peremptorly Refuiſe to give their conſent to aboliſh the ſds Penal Lawes; They and the whole Nation being then juſtly in great fears and danger of Poperie's entering this land, if theſe Statutes had bein then aboliſhed, and the diſpenſeing power allowed: And some of the Honorable Members were at the ſame tyme Impriſoned for their freedom of ſpeech in p^t affair, and were made either to give bonds, or to crave pardon.

This Chriſtian, Heroick and Magnanimous behaviour of the forſd Parliāt 1686, being very ſurprizeing to the Court, and unexpected by them, and extreamly galling & vexing to the Popiſh fathers Prieſts & Jeſuits then at Ed^r and at Court, and altogether unexpected by them alſo, the Court and They did aſcrybe and attribute all their miſsfortune in this affair to the diſperſeing of the forſd Reaſons: Wherefore the Court furthwith ordered ſtrict inquiry to be made for finding out the wryters and diſperſers of ſuch Papers as (they said) had obſtructed His Majeſties affairs in Parliāt: And Diſcovery being made That the firſt coppies had come from Mr Archibald Niſbet of Carſin wryter to the Signet his chamber where the ſd John Hamilton wes a wryter; The Lords of Privy Council were conveened to that very effect, who cauſed apprehend Carſin and the whole wryters in his chamber (except the ſd John who wes upon his keeping) who being all impriſoned, and imediatly after examined, did lodge the writeing of the firſt coppies of the f^d Reaſons, and the diſperſeing of the whole upon the ſd John, and diſſmiſſed all the priſoners: But Carſin wes made to give bond under the penalty of fyve Thouſand Pounds to preſent the ſd John, which obleidged him to lurk until the ferment wes in pairt over; And thereafter Hee preſented himſelf priſoner, and wes obleidged to give ane other bond of Preſentation, under ane other great penalty And wes neceſſitate for the ſame cauſe to leave his imployment at Ed^r, and afterwards to reſide in Ireland until King James's indemnity, and the happy Revolution p^rafter: All which premiſſ being matter of fact literally true, are known to ſuch of the members of that Honorable Parliāt, as are yet on lyfe, and to many of the cheif Citizens of Ed^r.

And now sieing the ſd John Hamilton wes authorized and influenced unto the forſd dangerous undertakeing, and greatly expenſive Service, by the moſt pairt of the Honorable members and Eſtates of the ſd Parliāt 1686 in that critical Juncture, in his wryting and otherwayes acting as ſd is, for the vindication and preſervation of the Penal Lawes of this Kingdome againſt Papiſts, (the only hedge of the Sacred and Religious Liberties p^rof;) eſpecially when threatened to be aboliſhed, thereby expoſeing his lyfe lyvelichood and fortune, and all dear to him, to eminent hazard; for which cauſes Hee yet Lyes under the tuo bonds forſd. And that His ſd Service being favoured of God with eminent Succeſſe, did prove extreamly beneficiall to this and our nighbouring Nation, the happy fruits whereof theſe whole kingdomes doe reap at this day; and that Her Majeſty and Honorable Eſtates of this Parliāt current, in the laſt Seſſion p^rof, were pleaſed to record and reward the Services done by ſeveral of our Countreymen in wryting for the vindication of the Civil Liberties of this Kingdome.

May it therefore Pleaſe your Grace Her Majeſties High Cōmiſſioner, and the Honorable Eſtates of Parliat, to Grant warrand to the Clerks of Privy Council, to delyver up to the ſd John Hamilton, Carſins bond granted on the ſd John's account, and his oun bond of Preſentation forſd; And to Conſider his Service above repreſented in his wryting & otherwayes acting for the vindication and preſervation of the Sacred and Religious Liberties of this Kingdome, which did prove ſo very beneficial to this and our nighbouring Kingdome of England in the forſd critical Juncture, The dangers hee wes expoſed to, and his vaſt expenſ in that Service, and loſſe of tyme & imployment Suſtained thereby to the Value of Ane Thouſand Pounds Sterling and upwards: And to doe therein as the Wisdom of the Nation ſhall think fit. Jo^a Hamilton.

Edinb: 24, March 1707.

Her Māties high Commiſſioner & the Eſtates of Parliāt haveing heared this petitione They Recommend the petitioner for payment of the Loſses & damnadges ſuſtained by him for the cauſ within mentioned in ſuch way & manor as her Mātie in her royall bounty ſhall think fit And ordaine the Clerks of Privie Councill to delyver up to the petitioner the tuo ſeverall bonds within mentioned which he lyes under for the ſervices within written gratis.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of John Corſs Writer in Edinburgh

Unto His Grace the Duke of Queensberry Her Majeſty's High Commiſsioner, and the Right Honourable the Eſtates of Parliament

The Petition of John Corſs Writer in Edinburgh

Humbly Sheweth,

THAT the deceaſt Andrew Martin Writer in Edinburgh, from the great Reſpect he bore to his Native Country, and particularly for the Preſervation of the Ancient Records thereof; having in the Year of God 1650 (at which time he had the Care of the Records of the Privy Seal) abſconded himſelf with them in the Highlands of this Kingdom, where he preſerved them from the Enemy with a great deal of Expenſes and Fatigue, there being upwards of 100 large Books, and that for the ſpace of ten Years at leaſt, to the Hazard of his Life, and irrecoverable Ruin of his Family: And the ſaids Books being ſome time agoe fallen in your Petitioner's Hands, throw the Death of the ſaid Andrew Martin, and of his Son, whom your Petitioner was neceſsitate to Supply, in advancing conſiderable Sums to him on the Faith of thoſe Books, and conceiving they might be of publick uſe, eſpecially ſeing they contain the Records of Charters, Precepts, Gifts of Tiends, Preſentations to Kirks, and Benefices in the ſeveral Provoſtries, Priories, and Prebendries from the year of God 1499, to the year of God 1650, together with their Minut Books during all that time, duely correſponding; As alſo a Record containing the Taxation upon the Clergy of Scotland for ſending their Delegats to the Council of Trent, and other old Taxations. Your Petitioner alſo humbly conceives, that theſe Records are of the more uſe and value, becauſe of the Loſs of the Regiſters of the Commiſsion of Parliament, for Plantation of Kirks and Valuation of Tiends, which were Burned in the late great Fire that hapned in this place; and alſo, becauſe the Records of the Chancery, and

other Records, ſuffered much when they were Tranſported to England, and much more by the Misfortune that befel them at Sea in their Return,

May it therefore pleaſe your Grace and Lordſhips, to order the foreſaid Records to be put into Publick Cuſtody, and to appoint your Petitioner ſuch a Reward for the Expences, and Great Pains that has been beſtowed in preſerving theſe Records, out of ſome ſure Fund, as your Grace and Lordſhips in your Great Goodneſs and Bounty ſhall think fit.

And your Petitioner ſhall ever Pray, &c.

Edinb. 24 March 1707.

Her Maties high Commiſsioner & the Eſtates of Parliament haveing heared this petitione They Recommend the Petitioner to her Matie for payment of the expenſ & paynes bestowed in preſerving the within Recordes out of what fond her Matie ſhall think fit And ordaines the faids Recordes to be put in publict cuſtodie in the Lower Parliament houſe on a recept thereof.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of John Smith late Muſter Master Depute.

Unto his Grace the Duke of Queensberry, her Majeſties High Commiſsioner, and the Right Honourable Eſtates of Parliament.

The Petition of John Smith, ſome time Muſter Maſter Depute.

Humbly Sheweth,

THAT whereas Your Petitioner having in his Grace the Duke of Argyls Seſsion of Parliament, fully ſatisfied the Committee, appointed for Reviſing, and Inſpecting into the Application of the Publick Fonds of the Nation, (as their Report in the Clerks hands bears,) of the truth of my Complaint, againſt Mr Thomas Bruce formerly Muſter Maſter General, being an Abreviate of Reſpites, or Deficient Men in the Army, from the firſt of November 1694, to the firſt of November 1698, whoſe Pay amounted to a conſiderable Sum, ſhould have been ſtopt, conform to the Lords of Treaſaury their Inſtructions to Mr Bruce. I now beg leave, humbly to Repreſent, That in proſecuting the ſaid Mr Bruce, upon my above Complaint, which is moſt juſtly found by the Committee of Parliament, not to be calumnious; I have undergone the Hardeſt Difficulties imaginable; And I having ſpent theſe ſeven or eight Years ſince, in a continued Attendance of the Dyets of the High Court of Parliament, Committees of the ſamen, and the Lords of Treaſaurie; Beſides a long and Expenſive Journey to London, And there ſuffering impriſonment upon a ſhamm Action, no leſs then the neat ſumm of 500 Lib. Sterling alledged due by me to him, and other Hard Treatments ſince, too tedious to trouble Your Grace, and Eſtates of Parliament with by the procurement of Mr Bruce, and his Doers, ſiniſtruouſly indeavouring to have thereby incapacitate me to have carried on, or Deſigning to have Wearied me out of my Honeſt purpoſes of Detecting the Abuſes committed againſt the Publick Intereſt of the Nation, and which is now ſet down in a clear Light to all Unbyaſsed and Impartial Judgements; By all which, And in procuring King Williams Letter, Recommending me to the Lords of Treaſaurie, to be Heard before them, upon the whole Grounds of my above Repreſentation, I am Reduced to very great Straits, having theſe ſeven or eight Years been Obliedged to a cloſs Attendance in Edinburgh, whereby I neglected any other Buſsineſs by which I might have got Subſiſtance to my Self and Numberous Family, and ſpent the ſmall Stock I had; Mr Bruce ſtill denying payment of what he juſtly Owes me; which with my Charges and Expenſes in the ſaid Matter, has brought your Petitioner to ſuch a low condition, as that I am aſhamed to acquaint Your Grace, and the Right Honourable the Eſtates of Parliament with, being upon the very brink of Miſerie, unleſs prevented by ſuch a conſideration, as Your Grace, and Eſtates of Parliament, in Your Wiſdoms ſhall think the Service done to my Countrie, and my caiſe calls for; How far the Maleverſes proven by Your Petitioner be directlie the Tranſgreſſion of a Law, or not, I leave it to the Wiſdom of Your Grace, and Eſtates of Parliament to Determine; But with all Deference to the Report of the Committee of Parliament, I humblie conceive that the 4th Act of Parliament 1693 is very clear, and deſerves the conſideration of Your Grace and Eſtates; Eſpeciallie when the true Report of the ſtate of the Armie was never given in to the Lords of Treaſaurie.

Upon the whole I ever did, and ſtill does underſtand the Abuſes complained of, And now fullie proven againſt Mr Bruce before the Committee of Parliament, to be the tranſgreſſion of a Law, The Treaſauries moſt poſitive Inſtructions, A Trick put upon the Government, and a Loſs to the Nation, in having the ſumm of 140000 Lib. Scots, and upwards of the Publick Fond, for payment of the Forces, imbazled; And therefore thought my ſelf bound in Humble Dutie to my Sovereign, and Native Countrie, to Diſcover theſe Abuſes, And Repreſent to Your Grace, and Eſtates of Parliament, how to prevent the ſame in time coming.

May it therefore pleaſe your Grace, and the Right Honourable the Eſtates of Parliament, in conſideration of the Committees moſt juſt Report; And the great fatigue, Trouble, Expenſes, and Hard Treatment from Time to Time, put upon Your Petitioner, in Diſcovering the ſum of 140000 pounds Scots of Imbazlement of the Publick Fonds of the Armie, (being good ſervice done to my Sovereign and Native Countrie,) to Ordain ſuch a conſideration, and out of ſuch a Fund as Your Grace, and the Right Honourable Eſtates of Parliament ſhall think fit.

And Your Petitioner ſhall ever Pray, &c.

Edinb. 24, March 1707.

Her Mäties high Commiſsioner & the Eſtates of Parliament haveing heared this petitione They Recommend the petitioner to her Mäties gratious & royall consideration to doe in the mater within repreſented as her Mätie in her royall bounty ſhall think fit.

SEAFIELD Cancellar. I. P. D. P.

XXV MARTII, M.DCC.VII.

RECOMMENDATION in favours of James Cunninghame of Auchinharvie younger.

Unto his Grace her Mäties high Commiſsioner & the right hono^ll the Estates of Parliament

The petition of James Cuninghame Son to Robert Cuninghame of Achinharvie

Humbly Sheweth

THAT your Petitioner's father haveing to his considerable Loſs and expences built a harbour in Saltcoats which to the conviction of all in that Countrey is a publict good evidently to the advantage of the Nation it occasioning the export of the product of the place & the dayly inbringing of money And the Estates of Parliät in the years 1686 and 1693 did not only grant to him four pennies on the pint of all ale & bear brewen and vended in the parochins of Stevenson and Ardroſsan but for his farder encouragement in proſecuting what is so evidently a Commoun well & because he had raised the Excise from fifty two pound Scots in the quarter to one hundred & seventeen pound & p^t through neglect of the harbour the said hundred and seventeen pound might not be lost to the prejudice of the publict did further grant to him a Right of the Excise of the said two parochins he paying the hundred and seventeen pound quarterly he had raised it to

And however the four pennies on the pint was upon the two parochins yet he was willing and did restrict the exacting þrof to the brewing which was allenarly the effect of his own industrie It is presumed that any person whatsoever þt ſhould offer upon his own proper expences to occasion a trade of import and inbringing of sc̈all considerable sums of money which could prejudge noe oþr part of the Kingdome that the honoll Estates of Parliāt could not but see it reasonable and the interest of the Nation to grant twice four pennies on the pint of all brewing occasioned from his own industry for supposeing the imposition to be what could discourage brewing yet noe brewer nor any q'somever could Complain of their being worse than if that person had not expended his money Yet your petitioner albeit his father nor he be noways reinbursed of the expences in building the said harbour being unwilling to insist in this reasonable desire And the heritors and others concerned as Convinced that the maintaining and encourageing of this harbour is so much a Commoun well being resolved as law will allow that some small duty be uplifted upon brewing for doing thereof but the brewers being unable to pay this and her Māties Excise severally it being the intereſt of the publict that the hundred and seventeen pound quarterly doe not diminish.

May it therefor please your Grace and honourable Estates of Parliament for ease and encouragement of your Petitioner and that the Excise to the advantage of the publict may be keeped at the hundred and seventeen pound quarterly as the same is at present answerable to three pennies of the Pint to Grant to your petitioner the right to the Excise for the space of twenty years he paying the said hundred and seventeen pound quarterly so long as the said three pennies is the rule for uplifting her Māties Excise It being Declared that if the Excise after this shall be augmented or diminished that your Petitioner shall be oblidged accordingly to pay augmenting or diminishing the said hundred and seventeen pound quarterly as the Establiſhed Excise ſhall be leſs or more than the three pennies presently payable.

And your Petitioner ſhall ever pray &c.

Edr March 25 1707.

Her Majeſtys High Commiſſioner and the Eſtates of Parliament having heard the within petition They Recommend the caice of the petitioner to her Majeſtys Royall favour.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of the Macers and Clerks Servants and Keepers and Servants of the House.

Unto His Grace Her Majeſty's High Commiſsioner and the Right Honourable the Eſtates of Parliament.

The Petition of the Macers of Privy Council.

Humbly Sheweth,

THAT where your Petitioners were at conſiderable Expenſes, in furniſhing themſelves ſutable, for Riding, Serving and Attending the Firſt Seſsion of this current Parliament, and having given punctual Attendance to that and the other Seſsions of this ſaid Parliament, for which as yet we have got no Allowance; As alſo through the Sitting of the ſeveral Seſsions of Parliament, the Sitting of the Privy Council and Exchequer were interrupted, and ſince Her Majeſty's Acceſsion to the Throne, the Commiſsion of Teinds and Plantation of Kirks (a Judicature from which the greateſt Branch of our Caſuality aroſe) has ſeldome ſit; by the Interruption of the Sitting of which Judicatures we loſt the greateſt Part of our Caſual Subſiſtance. And it being the conſtant Cuſtom of your Grace and Eſtates of Parliament, to grant ſutable Allowances to your Petitioners and their Predeceſsors, not only for our Expenſes and Pains, but likeways for the Loſs of our Caſualities, in ſuch Caſes.

May it therefore pleaſe your Grace, and the Right Honourable the Eſtates of Parliament, to modifie ſuch an Allowance to your Petitioners, in conſideration of the Premiſſes, as your Grace and the Honourable Eſtates ſhall think fit; And to appoint the ſamen to be payed out of ſome effectual Fund, or to Recommend us to the Lords of Her Majeſty's Treaſury, for the punctual Payment thereof.

And your Petitioners ſhall ever Pray, &c.

Edr 25 Martij 1707.

Her Māties high Commiſſioner & the Estates of Parliament having heard this Petition They Recommend the Petitioners to the Lords Commiſsioners of her Māties Theſaurie for ſuch a ſum in conſideration of their pains & attendance as they ſhall think just.

SEAFIELD Cancellar. I. P. D. P.

Unto his Grace Her Majeſties high Commiſſioner, and the Right Honourable the Eſtates of Parliament,

The Petition of Robert Moriſon Under-keeper of Her Majeſties Wardrope,

Humbly ſheweth,

THAT where her Majeſty by her Gift under the Privy Seal of this Kingdom, dated the twenty day of May 1704 years, appointed your Petitioner to be Under-keeper of her Majeſties Wardrope, and the Petitioner ever ſince the date of the ſaid Commiſſion having been at great Expenſes in upholding and dreſſing the Arras-hangings and Carpets for the uſe of the Parliament-houſe and General Aſſembly, and in attending and covering the Croſs at Parliament, Council, Theſaury and Exchequer Proclamations, and carrying the Chair of State, Carpets and Chairs, &c. from the Parliament-houſe to the Kirk and back again each Sabbath-day, dureing the ſitting of Parliament, all which has put the Petitioner to the charge of above 40 lib. Sterl. for theſe three years by paſt, beſides his extraordinary Pains and Trouble, there being none at the Charge of any of the ſaid Depurſements but your Petitioner, as an Teſtificat under the hand of Mr Achmouty Maſter of the Wardrope herewith produced doth teſtify: And your Grace and Eſtates being in uſe to gratifie your publick Servants;

May it therefore pleaſe your Grace and Honourable Eſtates of Parliament, in regard of my extraordinary Pains and Expenſes, to grant ſuch Allowance to your Petitioner out of ſuch a Fund as your Grace and Honourable Eſtates ſhall think fit.

And your Petitioner ſhall ever pray, &c.

Edinb: 25, March 1707.

Her Māties high Commiſsioner & the Eſtates of Parliament having heared this bill Recommend the Petitioner to the Lords Commiſsioners of the Theaſury for payment of what they think fit for his ſervices within mentioned.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of James Stephen Uſher.

Unto His Grace Her Majeſtys High Commiſsioner and the Honourable Estats of Parliament

The Petition of James Stephen Uſher Depute of Exchequr

Humbly Sheweth

THAT thorrow the Sitting of this and oþr Parliāts I have been obleidged to furniſh the Commitys of Parliat with ſeveral neceſsarys such as Coall Candle Paper Pens and Ink and gave attendance to this and all former Seſsions of Parliāt for wch I hade no allowance as is weell known to your Grace and Lōps and it being the constant Cuſtome of this honourable houſe to give allowances and Redreſs for Expenses Loſses and pains of Ser-

vants in such Caiſes, especially considering that I have Served theſe Eleven years as Uſher Deput without any Sallery or allowance therfor and the Caſualitys ariſeing therefrae are become so small that your petitioner is Straitned to Subſiſt himſelfe and family.

May it therfor please your Grace and Lõps to Recommend your petitioner to the Lords Coñrs of her Mãtys Theſrr for ſuch allowance for my Expenſes and pains and attending on the Committys and for Serving as Uſher Deput as ther Lõps shall think fit and to Recommend your petitioner to her Majeſty for a Salery in all tyme comeing as Uſher Deput of Thesaury and Excheqr And your petitioner ſhall ever pray. Ja. Stephen.

Edinb: 25, March 1707.

Her Mãties high Commiſsioner and the Eſtates of Parliament haveing considered this petitione find the petitioner has been at considerable expenſſ, in furniſhing the Committies of Parliament with the neceſsaries within mentioned and alſe hes bein at great payns in attending the Parliament & Committies the years & space within wryten Doe therfore Recommend the Petitioner to the Lords Commiſsioners of her Mãties Theſaury for such allouances for his expenſes payns & services within mentioned as the saids Lords shall think fit And Lykewayes Recommends the petitioner to her Mãtie for a yearly Sellarie in all tyme comeing as Uſher Deput of Theaſury & Exchequer to be payed in such manner & out of what fonds her Mãtie shall think fit.

SEAFIELD Cancellar. I. P. D. P.

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RECOMMENDATION in favours of William Bayne.

Unto his Grace Her Majeſty's high Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The Petition of William Bain Brother German to the deceaſt James Bain Her Majeſty's Maſter Wright.

Humbly Sheweth,

THAT the deceaſt James Bain in his lifetime having often applyed to former Seſſions of Parliament, for Payment of that juſt Debt found due to him by Parl: 1ſt. Seſſ. 3d. K. W. of Bleſſed Memory, for Timber, Plaſter, and Workmanſhip furniſht and wrought by him to Her Majeſty's Palace of Holy-rood-houſe, Caſtle of Edinburgh, &c. Nothing could be obtained but Recommendations to Her Majeſty and Royal Predeceſſors, and to Her Majeſty's Theſaury for Subſiſtence in the mean time; and laſt of all upon the laſt Recommendation, the Lords of Theſaury granted him Precept for 100l. Sterl. towards his preſent Subſiſtence, which is not yet payed.

After his Deceaſe, your Petitioner did apply the laſt Seſſion of Parliament, and all that was obtained was 200 lib. Sterl. appointed to be paid out of the 7 or 8 Moneths Ceſs laid on laſt Parliament, which is more than now exhauſted by your Petitioners Attendance & Payment of the Funerals & other neceſſary Debts of his Brothers. And having applied to this preſent Seſſion of Parliament, to have a Share out of the Equivalent after payment of the publick Debts already ranked, or out of any other effectual Fond that ſhould be judged fit for payment of the Sum of 81769 l. found due by the Parliament as ſaid is, with the Annualrents thereof ſince that time. But your Grace and Honourable Eſtates, could not fall upon a Method to let me have a Share of the ſaid Equivalent, or any other effectual Fond for payment thereof. Only have recommended your Petitioner to Her Majeſty for this effect.

Your Petitioner ſhall not now reſume what have been repreſented anent his Circumſtances and Condition, and anent the Juſtice of his Debt, and the Miſery he is involved in through the not payment thereof. Only ſhall lay before your Grace and Honourable Eſtates of Parliament, the Extremity of Diſcredit and Diſtreſs your Petitioner is now put to by his Brothers Creditors, for payment of the juſt and lawful debts reſting to them; and through the loſs of my own Trade, in giving Attendance to this Affair. And ſeing I am diſappointed of all Means of Subſiſtance, or any thing elſe to defray theſe debts,

May it therefore pleaſe your Grace and Honourable Eſtates of Parliament, to take your Petitioners moſt deplorable Caſe and Circumſtances to your ſerious Conſideration, and to grant me ſome competent Allowance towards my neceſſary Subſiſtance Quarterly, out of ſome effectual Fond, until Her Majeſty be pleaſed to grant an effectual Fond for payment of the whole foreſaid Debt.

And your Petitioner ſhall ever Pray.

Edr 25 March 1707.

Her Majeſties high Commiſsioner and Eſtates of Parliament having Conſidered this petition They ſeriouſly Recommend the petitioner to her Majeſtie to grant to him ſome competent allowance toward his neceſsary ſubſiſtance out of ſome effectuall fund untill her Majeſtie ſhall be pleaſed to Grant ane effectuall fund for payment of his wholl debt within mentioned.

SEAFIELD Cancellar. I. P. D. P.

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ADDITIONAL List of the Acts of Ratifications granted in Parliament 1707

ACT Ratifying a Charter under the Great Seall of the date at Kensingtoune the tenth day of March inſtant Granted by her Majesty with consent of her Commiſsioners of Thesaury and Exchequer to Archibald Duke of Douglas and his heirs and others therein mentioned heretably and irredeemably of the Lands Lordships Regalities Barronies and others particularly and generally therin exprest with all the Dignities enjoyed by the deceaſed Archibald Earle of Angus or his predeceſsors And specialy the firſt vote in Parliament, Leading the van in the day of battle and Carrying the Crown in Parliament, All formerly united in the Earledom of Angus and of the lands and barrony of Dudupe comprehending the seall lands office and others therin specified proceeding on the Resignation of him and his Tutors and Containing a new Gift of the haill with a disjunction of the Lordſhip and Barrony of Douglas and others from all Sherriffdoms Regalities and other Jurisdictions And ane union therof in the Regality Lordſhip and Barrony of Douglas And alſo ane Erection of the lands of Dudupe and others p'in spẽi' in the Regality Lordship and Barrony of Dudupe With the Juriſdiction of Regality Chappell Chancellary and Justiciary, eſcheats of the vaſsalls and Inhabitants and other priviledges belonging to the saids seall Regalities And sicklyke ane Erection of the Burgh of Douglas in a burgh of Regality and of the Burgh of in another free Burgh of Regality to be called the burgh of Regality of Dudupe which is therby ordained to be the head burgh therof with the priviledge of mercats and fairs of the saids seall burghs as is mentioned in the ſaid Charter which containes alſo a gift and disposition of the mynes and minerals within the barrony of Robertoun and the said Regality of Dudupe And ane union of the haill Earledom Lordſhips Regalities burghs and others p'in spẽi' in ane Dukedome, Marquisate, Earledom, Lordſhip and Barrony of Douglas and Angus ordaining the Caſtle of Douglas to be the prinll meſsuage thereof And one Sasine by earth and stone therat or at any part of the ſaid Dukedome to be ſufficient for the haill Declairing that the ſaid Union ſhall not prejudge his priviledges and dignities belonging to him as Earle of Angus or otherways To be holden of her Majeſty for payment of the seall duties p'in expreſt By which Charter the few and taxtward holding of the barrony of Douglas and others is changed to a blench holding for payt of ane penny Scots money yearly, Together &c.

RATIFICATION of a Chartor under the Great Seall of the date at St James's the twenty ninth day of January one thouſand

ſeven hundered and three years by her Majeſty with conſent of her Theſaury and Exchequer for the time to Mr John Murray Advocat Commiſsar of Peebles proceeding on the Reſignation of umqll John Pringle of Whytbank of the lands and barrony of Yare including the pendicle therof called Craig with teynds perſonage and viccarage of the ſame and of the Lands of Whytbank and others all therby of new Diſponed United and Erected in the Barrony of Yare Ordaining the maner place of Yare to be the prinll meſuage And one Saſinè therat or at any part of the ſaids lands to be ſufficient for the haill To be holden of her Majeſty for payt of the scall duties pfin ment By which alſo the marriage of the heir for the ſaids lands of Whytbank and others is taxed and diſponed for a certain ſume of two hundered and fourty merks Scots money when the ſamen ſhall fall, Together &c.

RATIFICATION of a Gift and Commiſsion under the Privy Seall of the date at St James's the twenty ninth day of March Im vijc and three years Granted by her Majeſty with Conſent forsd to Sir Thomas Moncreiff of that Ilk and Sir James (then Mr James) McKenzie Advocat coũlie and sẽallie during their joynt lifetimes and to the longeſt liver of them two of the office of Clerk to the Theſaury of this Kingdom with all fees profits and caſualities therof And particularly a yearly fee of fifty pound Starling to each of them payable at Whitſunday and Martimas be equall portions And of the office of Theſaury Clerk and Keeper of the Regiſter of Signatures Infeftments and other writs uſed to paſs in the Theſaury and Exchequer.

RATIFICATION of a Gift under the Privy Seall dated at St James's the twenty eight day of November Im vijcx and two years Granted by her Majeſty who therby not only approves of a former gift of the office of preſenting Signatures in Exchequer and the ordering of her Majeſties Dispatches within this Kingdom Granted to John Veitch elder of Daick now deceaſt and John Veitch his eldeſt lawfull ſon coũlie and sẽallie and to the longeſt liver of them two But alſo Gives and diſpones to the ſaid John Veitch the ſon during all the days of his life the forſaid office with all the fees and caſualities belonging therto to be enjoyed and exerced by him or his depute in manner therin mentioned And of another Gift under the Privy Seall of the date at St James's the twenty third day of February Im vijcx and five years Wherby her Majeſty with conſent of her Theaſury and Exchequer Gives to the ſaid John Veitch during the Continuance of his forſaid Commiſsion ane additionall yearly Penſion and Sallary of Twenty five pound Starling above what he now has as preſenter of Signatures Declairing that the ſaid Grant ſhall be no ground of augmenting the ordinary Sallary to his Succeſsors in the ſaid office.

RATIFICATION of a Chartor under the Great Seall of the date at St James's the tenth day of April Im vijc and ſix years Granted by her Majeſty with conſent of her Theſaury and Exchequer in favours of James Viſcount of Primroſe and his heirs male and of tailzie therin mentioned Wherby the Lands and Barrony of Crightoun and Carringtoun comprehending the sẽall lands teinds patronages and others pfin expreſt are United and Erected in a free Lordſhip and Regality with priviledge of Juſticiary, Chappell and Chancery called the Regality of Primroſe which is therby diſponed with the Eſcheats of the Inhabitants to the ſaid Viſcount and his forſaids therby made heretable Lords of the ſaid Regality of which the Toun of Caringtoun therby appointed to be called the Burgh of Regality of Primroſe is ordained to be the head burgh With the haill priviledges mentioned in the ſaid Chartor Wherby one Saſine at the mercat Croſs of the ſaid burgh or on any part of the ſaid barronys and Regality is declaired ſufficient for the haill And the forſaid Erectione is declaired as ſufficient as if the ſaids lands had been Reſigned in her Majeſties hands and a Chartor erecting the ſaid Regality with ane Infeftment had been therupon expede By which Chartor it is declaired that in caſe of diviſion of the ſaids two Barronies of Crightoun and Carringtoun to different proprietars and heirs of tailzie and ſucceſsors of the ſaid Viſcount then and in all time therafter the heirs and ſucceſsors of the ſaid Viſcount in the ſaid barrony of Crightoun ſhall have the full priviledge of Regality within the bounds of the ſaid barrony And that therafter the burgh of Crightoun ſhall be the head burgh of that part of the ſaid Regality And that the diſtinct heirs and ſucceſsors to the ſaid baronies ſhall have the priviledge of Regality and Juſticiary within the bounds therof reẽive and that the one ſhall not be ſubject to the Juriſdiction of the other And one Saſine at the maner place of Crightoun or upon any part of the ſaid barrony by delivery of earth and ſtone is ordained to be ſufficient for the ſaid barrony With priviledge of Regality and Juſticiary within the ſame To be holden of her Majeſty for payment of the blench duty therin mentioned Together with &c.

RATIFICATION of a Chartor and Gift under the Great Seall of the date at Kenſingtoun the ſeventh day of June Im vijc and one Granted by the deceaſt King William with conſent of his Theſaury and Exchequer for the time to George Earle of Cromarty then Viſcount of Tarbat and his heirs pfin spẽit heretably and irredeemably of the three Chaplanries of Alneſs The Chaplanries of Newmore and Tarlogie, Kildin St Katharins in Channrie The Chappell lands of St Katharine and St Mary at the burgh of Dingwall with the Right of patronage of the ſaids Chaplandries and others therinmentioned with all the Right and title his Majeſty had therto Ordaining one Saſine at the Chapple lands of St Katharine to be ſufficient for the whole To be holden of her Majeſty for payment of the few duties therin mentioned to which the former duties payable furth therof are Reſtricted by the ſaid Chartor which Containes a Confirmation of the former Rights granted to the Earle of the premiſses Together &c.

RATIFICATION of a Chartor under the Great Seall of the date at St James's the eleventh day of February laſt granted by her Majeſty with Conſent of her Theſaury and Exchequer to John Viſcount of Garnock and his heirs and others therin mentioned heretably and irredeemably under the proviſions and conditions therin ment of the lands and barronies of Kilbirnie Glengarnock and others for the prinll, The lands of Robertoun and others for warrandice proceeding upon the ſaid Viſcount his own Reſignation and containing ane Erection of the haill in the Barrony of Kilbirnie, Ordaining the maner place of Kilbirnie to be the prinll meſuage and one Saſine by earth and ſtone therat to be ſufficient for the haill lands and others pfin ment Which are all therby of new diſponed To be holden of her Majeſty as Queen and Stewart of Scotland for payment yearly of one penny in name of blench ferme in place of the former taxtward duties payable furth therof To which blench holding the ſaid former holding is therby changed Together &c.

RATIFICATION of a Gift and Confirmation under the Privy Seall of the date at Kenſingtoun the Eighteenth day of Febry laſt Approving a former gift granted by her Majeſty with conſent forsd to Colin Earle of Balcarras of five hundered pound Starling yearly during the time therin mentioned out of the Lands and Lordſhips of Fife and Strathairne ſo far as they will extend to and the reſt out of the Earledom of Orkney and Lordſhip of Zetland in ſo far as may be extended for Recovering the bygones of the ſaid ſume And farder Giving and aſsigning to the ſaid Earle his heirs exẽrs or aſsigneys the few duty of five hundered pound Starling payable by the Earle of Mortoun for the ſaid Earledom of Orkney and Lordſhip of Zetland and that for ten years Commencing from the firſt year the ſaid few duty falls due.

Edr 25 March 1707.

The within additional liſt of Ratifications read in Parliament approven.

SEAFIELD Cancellar. I. P. D. P.

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LIST of Acts for Fairs and Mercats granted in Parliament 1707.

ACT appointing a weekly mercat to be holden on Tuesday And two new fairs One upon the third Thurſday and Friday of Aprile And the other upon the first Tuesday and Wednesday of Febry yearly to be kept at the Toun of Galstoun in the Shyre of Air belonging to Sir Alexander Campbell of Ceſnock one of the Senators of the Colledge of Juſtice And a mercat upon Thursday weekly with two new fairs One upon the ſecond Tueſday and Wedneſday of Febry And the other upon the third Tueſday and Wedneſday of May yearly to be keeped in all time coming at the toun of Riccartoun in the ſaid Shyre and belonging to the ſaid Sir Alexr And granting to him his heirs and Succeſsors the Right and priviledge of keeping the sd weekly mercats and yearly fairs for all kinds of Merchandiſe with all the tolls Customes and Casualities therof and all other liberties priviledges and advantages uſed and wont belonging to any having the priviledge of keeping fairs and mercats within this Kingdom.

ACT appointing a fair to be keeped yearly in all time comeing upon the third Tuesday of May at the burgh of Dunbar And granting to the Magistrats and Toun Councill of the sd burgh and their Succeſsors in office for the behoof of the Community of the ſame the Right and priviledge &c.

ACT appointing and ordaining three fairs to be keeped and holden yearly in all time coming One upon the firſt day of May, another upon the tenth day of July and the other upon the tenth day of October at the burgh of Campbeltoun And giving and Granting &c.

ACT ordaining five fairs to be keeped yearly One upon the third Tueſday of June Another upon the ſecond Tueſday of Auguſt Another upon the ſecond Wednesday of September Another upon the third Tuesday of October And the other upon the laſt Thursday of November at the toun of Dunoon lying within the Shyre of Argyle and belonging to John Duke of Argyle And Granting &c.

ACT appointing two fairs to be holden yearly in all time coming One upon the ſecond Tuesday of June And the other upon the firſt Wednesday of September at the ferry of Oatter and belonging to Mr John Campbell of Oatter And Granting &c.

ACT appointing a fair to be kept and holden yearly in all time coming on the third Wednesday of September at the toun of Coupar in the Shyre of Forfar belonging to John Lord Balmerinoch in place of the fair formerly kept there on the third Wednesday of October yearly And Granting &c.

ACT appointing four fairs to be kept yearly at the Toun of Kinroſs lying within the Shyre therof and belonging to John Bruce of Kinroſs The firſt to begin upon the ſecond Tuesday of February Another upon the firſt Tuesday of Aprile Another upon the third Tuesday of Auguſt And the other upon the third of September And each of the saids fairs to continue for three days And Granting &c.

ACT ordaining a mercat to be kept on Thursday weekly and four fairs to be holden yearly One upon the laſt Tuesday of May Another upon the laſt Tuesday of July Another upon the of November And the other upon the third Wednesday of January And each of the ſds fairs to continue for three days upon the fourtie ſhilling land of Cocklebee within the parochine of Stewartſtoune Bailiary of Cunningham and Sherrifdom of Air and belonging to Sir Alexr Cunningham of Corſhill And Granting &c.

ACT appointing three fairs to be keeped yearly One upon the fourth Wednesday of May Another upon the fourth Wednesday of June And the other upon the fourth Wednesday of October upon the lands and barrony of Foveran lying within the Sherrifdom of Aberdeen and belonging to Sir Samuel Forbes of Foveran And Granting &c.

ACT ordaining a fair to be called St James's fair to be keeped yearly on the twenty fifth and twenty ſixth days of July at Spittle in the parochine of Halkirk and ſherrifdom of Caithnes and belonging to James Sinclair of Lyth one of the Clerks of the Bills Another to be kept yearly upon the twenty ſixth day of September at Brabſterdoren in the parochine of Bowar and ſhyre forſd belonging to him Another at Lyth to be holden in the ſd parochine belonging to him on the second day of October yearly Another to be kept at Wester Wattin belonging to him in the parochine of Wattin upon the twenty eight day of October yearly And another at Stanſtell belonging to him in the ſaid parochine of Bowar upon the eleventh day of November yearly And another at Scouthell belonging to him in the ſaid paroch of Wattin on the laſt of November yearly And Granting to the ſd James &c.

ACT appointing two fairs to be kept One upon the laſt Tuesday of May to be called Cammock fair The other upon the third tueſday of June to be called St Johns fair And each of the ſaids fairs to continue four days upon Cammockmuir lying within the ſhyre of Kincardine and belonging to Sir David Carnegy of Pittarro And Granting &c.

ACT appointing two fairs to be kept yearly in all time coming One upon the firſt Wednesday of June and the other upon the firſt Wednesday of Auguſt And a mercat to be kept weekly in all time coming upon Wednesday at the toun of Brockſburne lying within the barrony of Strabrock and ſhyre of Linlithgow belonging to the Lady Cardroſs And Granting &c.

ACT ordaining three fairs to be kept and holden yearly One upon the laſt Tueſday of January Another upon the firſt Thurſday of May And the other upon the ſecond Tuesday of November And a mercat to be kept weekly upon Wednesday in all time coming upon the lands of Doghilloch near to the Kirk of Finveck lying in the shyre of And belonging to David Earle of Glasgow And Granting &c.

ACT appointing a mercat to be kept weekly upon Tuesday And a fair to be holden yearly upon the second of July in all time coming at the toun of Athelſtenfoord lying within the ſherrifdom of Haddingtoun and belonging to Sir Francis Kinloch of Gilmertoun And Granting &c.

ACT ordaining a mercat to be kept weekly in all time coming upon Wedneſday at Arlemno in the shyre of Forfar and belonging to Sir Alexr Murray of Melgum And Granting &c.

ACT appointing a weekly mercat on Saturday and two fairs yearly One upon the ſixteenth day of June and the other upon the seventeenth day of October to be kept in all time coming at the Kirk of Yetholme belonging to William Bennet younger of Grubbet And lying in the shyre of Roxburgh And Granting &c.

ACT appointing two fairs one upon the laſt Wednesday of May And the other upon the twenty ſecond day of September To be kept in all time coming at Herriothouſe and belonging to Sir James Dalrymple of Killoch And lying in the shire of Edinburgh And Granting &c.

ACT ordaining two fairs to be kept yearly in all time coming one upon the day of June And the other upon the ſecond Tueſday of October at the toun of Alva belonging to Sir John Areſkine of Alva and lying in the Shire of Stirling And Granting &c.

Edr 25 March 1707.
Liſt of Fairs read in Parliament and approven.
SEAFIELD Cancellar. I. P. D. P.

PROCEEDINGS OF THE COMMISSIONERS APPOINTED TO TREAT FOR AN UNION BETWIXT THE KINGDOMS OF SCOTLAND AND ENGLAND.

XXVII OCT. M.DCC.II.—III FEB. M.DCC.III.

COMMISSIO PRO UNIONE TRACTANDA INTER REGNA SCOTIÆ ET ANGLIÆ.

ANNA Dei gratia magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; Defensor Omnibus probis Hominibus ad quos præsentes Literæ pervenerint Salutem Quandoquidem Nos Considerantes arctiorem et completam Unionem regnorum Scotiæ et Angliæ jamdudum et frequenter desideratam fuisse in mutuum bonum et ad majorem felicitatem utriusq; gentis Et nonnullum progressum eatenus factum fuisse tempore Regii nostri proavi Jacobi Sexti Regis et Regii nostri patrui Caroli Secundi Regis Et quod quondam Gulielmus Rex beatæ memoriæ quibusdam annis præteritis eam hujus Regni ordinibus proposuit Et nuperrime eandem Parliamento Anglicano commendavit Nosq; etiam ex regia affectione et Cura ad promovendam felicitatem omnium nostrorum subditorum pias et prudentes nostrorum regiorum prædecessorum resolutiones prosequi cupientes Parliamento nostro Anglicano Commendavimus apta media pro tali Unione obtinenda consulerent In cujus quidem prosecutione per dict⁹ Parliamentum inactum fuit Quod ii qui a Nobis nominarentur vel tot ac tales eorund quos nos pro Quorum ut loquuntur statueremus convenirent tempore et loco a Nobis designandis ad tractandum cum a Parliamento Scotiæ Commissionariis et ejus authoritate muniendis de tali Unione prædict⁹ duorum regnorum aut circa quæcunq; alia negotia causas et res quæ (debita deliberatione habita) nostro honori et mutuo utriusq; regni commodo necessaria videbuntur Cumq; nos hanc nostram regiam intentionem pro dict⁹ Unione promovenda Scotiæ parliamento notam fecerimus per septimum actum ultimæ Sessionis dict⁹ Parliamenti decretum statutum et ordinatum est quod ii quos nobis visum fuerit sub magno sigillo dict⁹ antiqui regni nostri Scotiæ nominare vel quot eorum pro Quorum ut loquuntur statuerimus plenam potestatem et commissionem haberent locis et temporibus a nobis designandis conveniendi et congregandi ac cum Commissionariis a Nobis more prædict⁹ pro Parliamento et regno nostro Angliæ nominandis ac authoritate nostra muniendis tractandi et deliberandi circa talem Unionem prædict⁹ duorum Regnorum Scotiæ et Angliæ ac circa quæcunq; alia negotia causas et res quæ (matura habita consideratione) prædict⁹ Commissionarii et eorum numerus qui lic Quorum statuitur congregati ut prædicitur una cum Commissionariis per Nos pro Parliamento et regno nostro Angliæ nominandis honori nostro et utilitati et bono publico prædict⁹ regnorum nostrorum maxime conducere judicabunt Præterea quod dict⁹ Commissionarii sua acta et gesta in quatuor diversa scripta aut instrumenta per ipsos subscribend et sigilland redigent Eo fine ut unum dictorum instrumentorum Nobis aliud Parliamento Scotiæ et duo reliqua Parliamento Angliæ proximis dictorum Parliamentorum Sessionibus in unoquo⁊ respective tenendis exhibeantur postquam dicta scripta per dict⁹ Commissionarios subscripta et sigillata fuerint ut desuper Nos et dict⁹ duo Parliamenta procedamus prout necessar⁹ visum fuerit pro bono utriusq; regni quibus scilicet Consideratio totius ut in toto vel aliqua parte approbetur aut reprobetur prout Nos et dict⁹ duo Parliamenta expediens Judicabimus integre reservatur Sicuti in dict⁹ acto latius continetur Cum nos experientia edocti specialem fiduciam reponimus in integritate animi dotibus et prudentia personarum subtus mentionat⁹ viz Jacobi Ducis de Queensberrie Nostri Commissionarii dict⁹ regni Scotiæ Gulielmi Marchionis de Annandale secreti nostri sigilli custodis Archibaldi Ducis de Argyle Roberti Marchionis de Lothian nostræ Justiciariæ Generalis Jacobi Comitis de Seafield principalis nostri Status Secretarii Joannis Comitis de Lauderdale Davidis Comitis de Leven Joannis Comitis de Hindfoord Georgii Vicecomitis de Tarbet Joannis Vicecomitis de Stairs Archibaldi Vicecomitis de Roseberry Davidis Domini Boyle Domini Hugonis Dalrymple nostræ Sessionis Præsidis Domini Jacobi Stewart nostri advocati Adami Cockburne de Ormistoun nostri Thesaurarii deputati Domini Joannis Maxwell nostræ Justiciariæ Clerici Domini Jacobi Murray de Philiphaugh Domini Jacobi Falconer de Phesdo Domini [Jacobi] Stewart de Bute Vicecomitis de Bute Domini Archibaldi Dowglas de Cavers Vicecomitis de Tiviotdale Domini Davidis Dalrymple Solicitatoris nostri generalis Domini Davidis Cuninghame de Milncraig Domini Jacobi Smollet de Bonhill Domini Patricii Johnstone præpositi Burgi nostri de Ed⁹ Hugonis Montgomerie præpositi de Glasgow Joannis Scrimzeor præpositi Burgi nostri de Dundee et [Joannis] Allardice præpositi Burgi nostri de Aberdeen Noveritis ideoq; Nos Nominasse Constituisse et Ordinasse sicuti Tenore præsentium Nominamus Constituimus et Ordinamus memoratas personas Commissionarios pro dict⁹ regno Scotiæ ad effectum infrascriptum Dando illis et illorum tridecem ad minimum quos pro Quorum ut loquuntur statuimus plenam potestatem et authoritatem congregandi et conveniendi cum Commissionariis nominatis et authoritate nostra munitis pro Parliamento et Regno Angliæ vel eorum sufficiente numero apud civitatem nostram de Westminster vigesimo septimo die mensis Octobris proxime sequeñ et tempore et loco prædict Tractandi et deliberandi circa talem Unionem dictorum regnorum Scotiæ et Angliæ et circa quæcunq; alia negotia causas aut res quæ personæ antedict seu eorum numerus sufficiens a Nobis definitus vel major pars eorum tunc et ibid congregati justa censebunt et necessaria Judicabunt pro nostro honore et utriusq; regni bono et commodo Cum potestate antedictis Commissionariis de tempore in tempus cum aut absq; continuatione congregandi et conveniendi et in omnib; quibuscunq; rebus per præsentes vel dict actum Parliamenti eorum curæ concreditis et commissis secundum eorum Officium et Judicium procedendi Mandando et Requirendo illos curam adhibere ut omnia sua acta et gesta in præmissis in quatuor diversa scripta aut instrumenta debite redigantur ut ita ordinata et parata sint ut nobis et Parliamentis utriusq; regni exhibeantur modo per prædict⁹ actum statut et requisit⁹ Declarando omnimodo per

præſentes nullas res aut negotia tractanda proponenda vel per dictos Commiſsionarios virtute præſentis Commiſsionis conventa et conclusa ullius fore vigoris seu effectus cujuscunq; donec prius authoritate et acto Parliamenti antiqui regni noſtri Scotiæ confirmata et stabilita fuerunt In cujus rei teſtimonium præſentibus Magnum Sigillum noſtrum appendi mandavimus Apud aulam noſtram de Windſor Caſtle vigesimo quinto die menſis Auguſti Anno Domini Milleſimo septingenteſimo secundo et Anno Regni noſtri primo.

Per Signaturam Manu S. D. N. Reginæ supraſcript'.

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COMMISSION TO TREAT FOR AN UNION.

ANNE, by the grace of God, [of England, Scotland, France and Ireland, Queen, Defender of the Faith], &c.—To the moſt reverend Father in God, Thomas Archbiſhop of Canterbury; our right truſty, and wellbeloved Counſellor, Sir Nathan. Wright, our Keeper of our Great Seale of England; the moſt reverend Father in God, John Archbiſhop of York; our right truſty, and wellbeloved Counſellor, Sidney Lord Godolphin, our High Treaſurer of England; our right truſty, and right wellbeloved Couſin and Counſellor, Thomas Earle of Pembroke and Montgomery, our Preſident of our Councell; our right truſty, and entirely beloved Couſin and Councellor, John Marqueſſe of Normanby, our Keeper of Privy Seal; our right truſty, and right entirely beloved Couſins and Counſellors, William Duke of Devonſhire, our Steward of our Houſehold, and Charles Duke of Somerſett, our Maſter of our Horſe; our right truſty and right entirely beloved Couſin, John Duke of Newcaſtle; our right truſty, and right beloved Couſins and Councellours, Charles Earle of Carliſle, Earl Marſhal of England, during the minority of the Duke of Norfolk; Edward Earle of Jerſey, our Chamberlain of our Houſehould; Charles Earle of Burlington; Daniel Earl of Nottingham, one of our Principal Secretarys of State; Laurence Earl of Rocheſter; John Earl of Marlborough, our Captain Generall of all and ſingular our Forces, and Maſter Generall of our Ordinance; Richard Earl of Scarborough; the right reverend Father in God, Henry Biſhop of London; our right truſty, and wellbeloved Councellors, Sir Charles Hedges, our other Principal Secretary of State, Sir John Holt, Chief Juſtice of our Court of Queen's Bench, Sir Thomas Trevor, Chief Juſtice of our Court of Common Pleas, Sir John Leveſon Gower, Baronet, Chancellor of our Dutchy of Lancaſter, our right truſty, and wellbeloved Sir Chriſtopher Muſgrave, Baronet, Sir John Cooke, Knight, Doctor of Laws, Our Advocate Generall, Robert Harley, Eſquire, Charles Godolphin, Eſquire, Samuel Clark, Eſquire, and Stephen Waller, Doctor of Lawes, Greeting. Whereas the kingdomes of England and Scotland were firſt united in allegiance and loyall ſubjection, in the perſon of our royall Great Grandfather, King James the Firſt, ſince which happy conjunction it hath been very much endeavoured, that a nearer and more compleat union might be ſettled between both kingdomes, and ſome progreſs, towards the attainment thereof, was made, not only in the time of our ſaid late Great Grandfather, but alſo in the time of our late Royall Uncle, King Charles the Second; and whereas wee, out of our princely zeal and care, for the welfare and happineſs of our ſubjects, being alſo deſirous of a nearer and more compleat union between our two ſaid kingdomes of England and Scotland, did recommend to our Parliament of England, from the throne, to conſider of proper methods for obtaining the ſame; and whereas, in our Parliament held at Weſtminſter, in the preſent firſt year of our reign, an act paſſed, entituled (an Act for enabling her Majeſty to appoint Commiſſioners to treat for an Union between the Kingdomes of England and Scotland) in and by which act of Parliament, to the end that our royall and gracious purpoſes may be accompliſhed, and ſuch a farther union might be treated and agreed upon, as might compleat and confirm, for ever, a conſtant mutuall love and friendſhip, betweene the ſubjects of both realmes, it was enacted, that ſuch perſons as ſhould be nominated by us, under our great ſeal of England, or ſuch and ſo many of them as ſhould, in that behalf, be appointed by us to be of the quorum, ſhould, by force of the ſame act, have full power, commiſſion, and authority, at ſuch time and times, and in ſuch place or places, as wee ſhould pleaſe to appoint, to aſſemble and meet, and thereupon to treat and conſult, according to the tenor or purport of their authority or commiſſion in that behalf, with certain Commiſſioners, as ſhould be authorized by authority of the Parliament of Scotland, of and concerning ſuch other matters, clauſes, and things, whatſoever, as, upon mature deliberation & conſideration of the greateſt part of the ſaid Commiſſioners, aſſembled as aforeſaid, and the Commiſſioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their Commiſſion in that behalf, ſhould, in their wiſdoms, think convenient and neceſſary, for our honour, and the weal and common good of both our ſaid kingdomes, for ever; and that the Commiſſioners of both the ſaid kingdomes ſhould, according to the tenor and purport of the ſaid authorities or commiſſions in that behalf, reduce their doings and proceedings therein into writing, or inſtruments quadrupartite, every part to be ſubſcribed and ſealed by them, to the end that one part thereof may, in all humbleneſs, be preſented to us, two other parts thereof to be offered to the conſideration of the Parliament, for the realme of England, and another part to be offered to the conſideration of the Parliament, for the realme of Scotland, at their next Seſſions, which ſhould be held in each kingdom, reſpectively, after ſuch writings or inſtruments ſhould be ſubſcribed and ſealed by the ſaid Commiſſioners, that thereupon ſuch further proceedings might be had, as wee, and both the Parliaments, ſhould thinke fit and neceſſary, for the weale and common good of both the ſaid kingdoms, to whom the entire conſideration of the whole, and the allowing, or diſallowing the whole, or any part thereof, as they ſhall think fit, is wholly reſerved, as in and by the ſaid act (relation thereunto being had) may more at large appear. And whereas the Parliament of Scotland did, in the firſt year of our reign, ſhew their deſire of an Union, between the two kingdomes, now know yee, that wee, repoſing eſpeciall truſt and confidence in your fidelity, abilities, prudence, induſtry, diligence, and circumſpection, have nominated, conſtituted, and appointed, and by theſe preſents do nominate, conſtitute and appoint you, the ſaid Thomas Archbiſhop of Canterbury, Sir Nathan. Wright, John Archbiſhop of York, Sidney Lord Godolphin, Thomas Earle of Pembroke and Montgomery, John Marqueſſe of Normanby, William Duke of Devonſhire, Charles Duke of Somerſett, John Duke of Newcaſtle, Charles Earl of Carliſle, Edward Earl of Jerſey, Charles Earl of Burlington, Daniel Earl of Nottingham, Laurence Earl of Rocheſter, John Earl of Marlborough, Henry Biſhop of London, Richard Earl of Scarborough, Sir Charles Hedges, Sir John Holt, Sir Thomas Trevor, Sir John Leveſon Gower, Sir Chriſtopher Muſgrave, Sir John Cook, Robert Harley, Charles Godolphin, Samuel Clark, and Stephen Waller, to be Commiſſioners of the realm of England, in this behalf; giveing unto you, and any thirteene or more of you, full power and authority, to aſſemble and meet with the Commiſſioners, authorized, or to be authorized by us, purſuant to the ſaid act, made in our Parliament of Scotland, or ſo many of them, as ſhall be a quorum; at our city of Weſtminſter, upon the 27th day of October next, and then and there to treat and conſult, of and concerning ſuch an Union of the ſaid realms of England and Scotland, and of and concerning ſuch other matters, clauſes, and things, whatſoever, as you, and the Commiſſioners authorized, or to be authorized, as aforeſaid, or the major part of you and them aſſembled, ſhall think convenient and neceſſary, for our honour, and the weal and common good of both our ſaid kingdoms, for ever; and from time to time, with or without adjournment, to aſſemble and meete, and to proceed, in all and every the matters herein, purſuant to the ſaid acts, committed to your care, according to your beſt diſcretions.

And you are to take care, that all your doings and proceedings, in and about the premiſes, with the Commiſſioners authorized, or to be authorized, as aforeſaid, be reduced into writings, or inſtruments quadrupartite, and that every part thereof be ſubſcribed and ſealed by you and them, and be prefented unto us, and to the Parliaments of both our ſaid kingdomes, in ſuch manner and forme, as, in and by the ſaid act, is enjoyned and required. [In witneſs whereof We have caused these our Letters to be made Patents; Witneſs ourself at Westminſter the 26th day of September in the first year of Our Reign.

Per breve de Privato Sigillo &c.]

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WARRANT for putting off the Meeting of the Commiſſioners till 10 Nov.

ANNE, by the Grace of God, Queen of England, Scotland, France, and Ireland, Defender of the Faith, &c. To the moſt reverend Father in God, Thomas, Archbiſhop of Canterbury, &c. &c. &c. greeting, Whereas, by our Commiſſion, under our great ſeal of England, dated at Weſtminſter the 26 day of September laſt paſt, purſuant to an act made in our Parliament held at Weſtminſter in the firſt year of our reign, entituled, an Act for enabling her Majeſty to appoint Commiſſioners to treat for an Union between the kingdomes of England and Scotland, wee have authorized you, or any thirteen or more of you, to aſſemble and meet, with the Commiſſioners authorized, or to be authorized by us, purſuant to an act for that purpoſe, made in our Parliament of Scotland, or ſo many of them, as ſhall be a quorum, at our city of Weſtminſter, upon the 27 day of this inſtant October, and, then and there to treat and conſult, of and concerning ſuch an Union of the ſaid realmes of England and Scotland, and of and concerning ſuch other matters, clauſes, and things whatſoever, as you and the Commiſſioners authorized, or to be authorized, as aforeſaid, or the major part of you and them aſſembled, ſhall think convenient and neceſſary, for our honour, and the weale and common good of both our ſaid kingdomes, for ever, and, from time to time, with or without adjournment, to aſſemble and meet, and to proceed therein, according to your directions. And wee being informed, that the ſaid 27th day of October inſtant, will be inconvenient for yourſelves, and the Commiſſioners by us appointed, for the kingdom of Scotland, wee therefore doe hereby diſcharge you, as wee have done our ſaid Commiſſioners, for our kingdome of Scotland, from meeting on the ſaid 27th day of this inſtant October; and doe hereby direct, authorize, and impower you, or any thirteen or more of you, to aſſemble and meet, with the Commiſſioners, authorized by us for our kingdome of Scotland, or ſo many of them, as are appointed to be a quorum, at our city of Weſtminſter, upon Tueſday the tenth day of November next, and then and there to treat and conſult, of and concerning ſuch an Union of the ſaid realmes of England and Scotland, and of and concerning ſuch other matters, clauſes, and things, whatſoever, as you, and the Commiſſioners authorized, or to be authorized, as aforeſaid, or the major part of you and them aſſembled, ſhall think convenient and neceſſary, for our honour, and the weal and common good of both our ſaid kingdomes, for ever, and from time to time, with, or without adjournment, to aſſemble and meet, and to proceed, in all and every the matters in our ſaid Commiſſion expreſſed, according to the tenor thereof. In witneſs whereof, wee have cauſed theſe our Letters to be made Patents. Witneſs ourſelf, at St. James, the 26th day of October, in the year of our Lord 1702, and in the firſt year of our reign.*

* The Warrant addressed to the Commissioners for Scotland has not been preserved.

PROCEEDINGS OF THE COMMISSIONERS.

Martis 27° die Oct. 1702.

THIS day being appointed by the Queens Commiſsion for the meeting of the Commiſsioners nominated by her Majesty to treat of an Union between the two Kingdoms of Scotland and England The said Commiſsioners met at the Councill Chamber in the Cock Pit But before there was a Quorum of the Lords Commiſsioners for Scotland there was delivered to such of them as was then there, a Letter from her Majesty, upon which their Lordships withdrew And having read and conſidered her Majesties Letter adjourning their Meeting to the 10th of November next They returned to the Council Chamber, where the Lord Godolphin Lord High Treaſurer acquainted their Lordships, that they had received her Majesties Orders by a Commiſsion under the Great Seal of England, adjourning their meeting to the 10th of November next. And my Lord Duke of Queensberry on the part of the Lords Commiſsioners for Scotland acquainted their Lordships that they had likewiſe received her Majesties orders to the same purpose.

At the Councell Chamber in the Cock Pit
Martis 10 die Nov. 1702.

IN pursuance of her Majesties Commiſsions under her respective Great Seals of Scotland and England, and of her Majesties Orders adjourning their Meeting to this day The Lords Commiſsioners of both Kingdoms met at the Councell Chamber in the Cock Pit

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Biſhop of Canterburry
Marquis of Annandale	Lord Keeper
Duke of Argile	Lord Preſident
Earle of Seafield	Lord Privy Seal
Viscount of Tarbat	Duke of Devonshire
Viscount of Stair	Lord Chamberlane
Viscount of Roseberrie	Earle of Notingham
Lord Boyle	Lord Bishop of London
Lord Preſident of the Seſsion	Sir Charles Hedges
Lord Treaſurer Deput	Lord Chiefe Justice Trevor
Lord Justice Clerk	Mr Chancellor of the Dutchy
Sir James Falconer	Sir Christopher Muſgrave
Douglas of Cavers	Sir John Cook
Sir David Dalrymple	Robert Harley Esqr
Sir James Smallet	Charles Godolphin Esqr
Sir Patrick Johnston	Samuel Clerk Esqr
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

After they had taken their places the Commiſsions were opened and read by the respective Secretaries.

The Lord Keeper of England addreſsing himſelfe to the Lords Commiſsioners for Scotland spoke *in hæc verba*

My Lords,

Wee the Commiſsioners for England do with great satisfaction meet your Lordships upon this occasion hoping that by this Congreſs the great buſineſs for which her Majesty has been pleaſed to grant theſe Commiſsions may be happily effected.

That England and Scotland already united in allegiance under one head, the Queen, may for ever hereafter become one people; one in heart and mutuall affections, one in interest, one in name, one in deed, a work which if it can be brought to paſs, promiſeth a laſting happineſs to us all.

With great ſincerity wee deſire this Union, and wee meet your Lordships with hearts fully determined to enter upon such Conſiderations and into such Meaſures with your Lordships as are proper for bringing the same to the defired concluſion.

On our parts nothing ſhall be wanting that may conduce to a happy period of this great work.

To which My Lord Duke of Queensberry on the part of the Lords Commiſsioners for Scotland replyed *in hæc verba*

My Lords

The Union of the two Kingdoms has been much desired both before and since their being under one Soveraign And I hope it is reſerved to her Majesty for the glory of her Reign to finish the deſign which hath been often attempted by her Royal Predecessors.

My Lords

I do conſider this Union to be highly advantageous for the peace and wealth of both Kingdomes and a great security for the Protestant Religion every where And I can aſsure your Lordships both for myselfe and the other Lords Commiſsioners for Scotland that wee meet your Lordships with great regard and honour to your persons, and with sincere intentions to advance this great deſign and to accommodate any difficulties that may ariſe in the Treaty upon fair and reasonable termes.

Ordered that Copies of the two Commiſsions be prepared and signed by the respective Secretaries to be interchanged at next meeting.

Adjourned to Munday next 16th inſtant.

Lunæ 16 die Nov. 1702 Post meridiem.

PRESENT

Scot.	Angl.
Marquis of Annandale	Arch Bishop of Canterburry
Duke of Argile	Lord Keeper
Marquis of Lotheam	Arch Bishop of York
Earle of Seafield	Lord Preſident
Viscount of Tarbat	Duke of Devonshire
Viſcount of Stair	Earle of Notingham
Viſcount of Roſeberry	Bishop of London
Lord Boyle	Sir Charles Hedges
Lord Preſident of the Seſsion	Lord Chiefe Justice Trevor
Lord Treasurer Deput	Sir Christopher Musgrave
Lord Juſtice Clerk	Sir John Cook
Lord Phesdoe	Robert Harley Esqr
Sir David Dalrymple	Charles Godolphin Esqr
Sir David Cunningham	Samuel Clark Esqr
Sir James Smallet	
Sir Patrick Johnston	
Cavers	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

The Lord Keeper intimated to the Lords Commiſsioners for Scotland that some difficulties had ariſen upon certain words in the Commiſsion under the Great Seale of Scotland which the Lords Commiſsioners of England not being a ſufficient number, did not think fit to determin And therefore moved that there might be a short Adjournment which was agreed on It being firſt propoſed that Commiſsions might be interchanged which was accordingly done My Lord Marquis of Annandale delivering a ſigned Copy of the Scots Commiſsion to the Lord Keeper of England And the said Lord Keeper delivered a signed Copy of the English Commiſsion to the Marquis of Annandale.

Adjourned to Wednesday the 18th instant.

Mercurii 18 die Nov. 1702.

PRESENT

Scot.	Angl.
Marquis of Annandale	Arch Bishop of Canterburry
Duke of Argile	Lord Keeper
Marquis of Lothean	Arch Bishop of York
Earle of Seafield	Lord Treaſurer
Viſcount of Tarbat	Lord Preſident
Viſcount of Stair	Lord Privy Seale
Viſcount of Roseberry	Earle of Burlington
Lord Boyle	Earle of Notingham
Lord Preſident of the Seſsion	Bishop of London
Lord Treasurer Deput	Sir Charles Hedges
Lord Justice Clerk	Lord Chiefe Justice Trevor
Lord Pheſdo	Sir John Cook
Cavers	Charles Godolphin Esqr
Sir David Dalrymple	Samuel Clark Esqr
Sir David Cuningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

The Lord Keeper declared for the Lords Commiſsioners for England that their Lordships did not longer inſiſt upon their objection to some words in the Scots Commiſsion.

A Meſsage from the Queen in two different Papers, but in the same words was delivered at the same time to the Commiſsioners of both Kingdoms, which was read, *in hæc verba*

ANNE R.

Her Majesty having in proſecution of the severall attempts made by her Royall Predeceſsors moved both her Parliaments to conſider of the moſt effectuall methode for establiſhing an Union between the two Kingdoms And her Majesty being authoriſed by both Parliaments to appoint Commiſsioners to treat of the termes of this Union, which she hath done accordingly Her Majesty hopeth that the Commiſsioners now happily met for this purpoſe will agree upon such measures as will be acceptable to both Parliaments and may perfect an indiſsoluble Union between the two Nations which her Majesty thinks the most likely meanes under heaven to establiſh the Monarchy, secure the peace, and encreaſe the Trade Wealth and Happineſs of both Nations.

The heads of this Treaty are ſo obvious that her Majeſty does not think it neceſsary to mention them but her Majeſty recommends it to the Commiſsioners to make ſuch Propoſalls mutually on this ſubject as shall occurr to them and may be most likely to bring this Treaty to an happy and speedy conclusion.

And her Majeſty earneſty wiſhes for her own honour and the welfare of her Subjects that this Union may be establiſhed on such solide foundations as that the breach of it may be impoſsible as human Counſells can make it Given at the Court at St James's the 16th day of November 1702.

To the Commiſsioners appointed for treating of an Union between the two Kingdoms.

Then the Lord Keeper offered the following Articles as Preliminaries for adjuſting the methode of proceeding.

1. That all Propoſalls mutually to be made shall be offered in writing.
2. That no Propoſall to be made shall be debated the same day.
3. That all debate shall be by word of mouth and not in writing.
4. That every point that shall be agreed on shall be reduced into writing.

5. That no point tho' agreed on and reduced into writing ſhall be obligatory on either ſide till all matters be adjuſted in ſuch manner as will be proper to be laid before the Queen and the two Parliaments.

These Preliminaries were agreed upon.

Adjourned to Friday the 20th inſtant.

Veneris die 20 Nov. 1702 Poſt meridiem.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Biſhop of Canterburry
Marquiſs of Annandale	Lord Keeper
Marquiſs of Lothean	Arch Biſhop of York
Earle of Seafield	Lord Treasurer
Viſcount of Tarbat	Lord Preſident
Viſcount of Stair	Lord Privy Seale
Viſcount of Roſeberry	Earle of Burlington
Lord Boyle	Earle of Notingham
Lord Preſident	Sir Charles Hedges
Lord Treasurer Deput	Lord Chief Juſtice Holt
Lord Juſtice Clerk	Lord Chief Juſtice Trevor
Lord Phesdoe	Sir Christopher Muſgrave
Cavers	Sir John Cook
Sir David Dalrymple	Robert Harley Esqr
Sir David Cuningham	Charles Godolphin Esqr
Sir James Smallet	Samuel Clark Esqr
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

Two Preliminaries additionall to theſe agreed on at the laſt Meeting were offered by the Lords Commiſsioners for Scotland.

6. That these matters tho' so adjuſted as may be proper to be laid before the Queen and the two Parliaments shall not be binding till approved and ratified in the said Parliaments.

7. That there be a Committee appointed conſiſting of a certain number of each ſide to reviſe the Minutes of what paſses which are not to be inſerted by the Secretaries in the respective books, but by order of the said Committee.

Which Preliminaries were agreed to.

Then the Lord Keeper for the Lords Commiſsioners for England made the following Propoſalls which were read.

That the two Kingdoms be united into one by the name of the Kingdome of Great Britain &

That the Succeſsion to the Monarchy of this Kingdom of Great Britain ſhall be according to the limitations mentioned in the Act of Parliament made in England in the 12th and 13th yeares of the Reign of the late King William Entituled an Act for the farther Limitation of the Crown and better securing the Rights and Liberties of the Subjects.

Then my Lord Duke of Queensberry offered Articles on the part of the Lords Commiſsioners for Scotland which were read as followes.

Articles to be treated of in order to the Union of the two Kingdomes.

1. The Uniting the two Kingdoms into one Monarchy.

2. The Representing both Kingdoms in one Parliament.

3. The mutuall Communication of Trade and other Priviledges and advantages.

Theſe are the generall Articles in which it is propoſed that the two Kingdoms may be united There will be other Articles and proper Reservations which may be offered afterwards.

Adjourned to Wednesday the 25th inſtant.

Mercurii 25 die Nov. 1702 Poſt meridiem.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Biſhop of Canterburry
Marquiſs of Annandale	Lord Keeper
Duke of Argile	Arch Biſhop of York
Marquiſs of Lothean	Lord Privy Seale
Earle of Seafield	Lord Chamberlain
Viſcount of Tarbat	Earle of Burlingtoun
Viſcount of Stair	Earle of Notingham
Viſcount of Roſeberrie	Earle of Rochester
Lord Boyle	Biſhop of London
Lord Preſident	Sir Charles Hedges
Lord Treasurer Deput	Lord Chief Juſtice Trevor
Lord Juſtice Clerk	Sir John Cook
Lord Phesdoe	Charles Godolphin Esqr
Cavers	Samuel Clark Esqr
Sir David Dalrymple	
Sir David Cuningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

The Lords Commiſsioners of England propoſed to reconſider the 6th Preliminary Article (the firſt offered by their Lordſhips of Scotland) viz. That theſe matters tho' so adjuſted as may be proper to be laid before the Queen and the two Parliaments shall not be binding till ratified in the said Parliaments.

Which Preliminaries they conſidered as needleſs ſince by the tenor of the respective Acts of Parliament and Commiſsions nothing was to be binding on either ſide till approved of and ratified by the Parliaments of both Kingdoms.

The Lords Commiſsioners for Scotland withdrew to conſider this, and returning within a little the Lord Duke of Queensberry did on their part acquaint the Lords Commiſsioners for England that they had brought in the 6th Article as explanatory of the 5th becauſe of a doubt that did ariſe upon the word (Till) which did seem to imply, that afterwards they were binding.

It was propoſed that the 6th Article should be laid aſide and that the 5th Article should run thus.

5. That no point tho' agreed on and reduced into writing should be obligatory on either ſide till matters be adjuſted, in such manner as may be proper to be laid before the Queen and the two Parliaments for their approbation.

Which was agreed to.

It was alſo moved that some words should be added to the laſt Preliminary Article and that it should run in theſe words.

6. That there be a Committee appointed conſiſting of a certain number of each ſide to reviſe the Minuts of what paſses, which are not to be inſerted by the Secretaries in their respective books, but by order of the said Committee, having first made Report thereof to the respective Commiſsioners.

The Duke of Queensberry delivered in an Answer from the Lords Commiſsioners for Scotland to the Propoſall made by the Lords Commiſsioners for England about the uniting the two Kingdoms into one, and ſettling the ſucceſsion, but deſired that the same might not be entered till the Lords Commiſsioners for England had agreed to the 3d Article of their Propoſall about a mutuall Communication of Trade &c.

Then the Lord Keeper communicated the Anſwer prepared by the Lords Commiſsioners for England to two of the Articles given in by the Lords Commiſsioners for Scotland which was read as followes.

The Lords Commiſsioners for England have taken into their conſideration two of the 3 Articles offered by your Lordſhips on

the part of Scotland viz. 1. The Uniting the two Kingdoms into one Monarchy 2. The Repreſenting both Kingdoms in one Parliament and are come to the following Reſolution That there can be no doubt of their Lordships agreeing to their first Article it being comprehended in what their Lordſhips have offered That as to the second Article their Lordſhips agree to the Propoſition in generall Reserving to their future conſideration ſuch Proposalls as shall be offered to make it practicable.

A Committee was appointed for reviſing the Minutes The Lords Commiſsioners for Scotland nominating on their part the Viſcount of Stair, My Lord Preſident of the Seſsion and my Lord Treaſurer Deput, or any two of them, and the Lords Commissioners for England nominating on their part Sr John Cook Mr Godolphin and Mr Clark or any two of them.

Adjourned to Munday the 30th inſtant.

Lunæ 30 die Nov. 1702 Poſt meridiem.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Biſhop of Canterburry
Marquiſs of Annandale	Lord Keeper
Duke of Argile	Arch Biſhop of York
Marquiſs of Lothean	Lord Treasurer
Earle of Seafield	Lord Preſident of the Councell
Viscount of Tarbat	Lord Privy Seale
Viscount of Stair	Duke of Devonshire
Viscount of Roſeberry	Earle of Notingham
Lord Boyle	Earle of Rochester
Lord Preſident of the Seſsion	Earle of Marleborrough
Lord Treasurer Deput	Biſhop of London
Lord Juſtice Clerk	Sir Charles Hedges
Lord Phesdoe	Sir John Levison Gore
Douglas of Cavers	Sir Christopher Muſgrave
Sir David Dalrymple	Robert Harley Esqr
Sir David Cuningham	Charles Godolphin Esqr
Sir James Smallet	Samuell Clark Esqr
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

The Lord Keeper of England acquainted the Lords Commiſsioners for Scotland that they had prepared an Anſwer to the 3d Article offered by their Lordships about the Communication of Trade &c. and a Propoſall relating to the same both which were read as followes.

The Lords Commiſsioners for England have taken into their conſideration the 3d Article proposed by your Lordships viz. 3 The mutuall Communication of trade and other Priviledges and advantages

And are come to this Reſolution

Their Lordships agree that a mutuall Communication of trade and other Priviledges and advantages is proper and reasonable in a compleat Union of the two Kingdomes.

Their Lordships propoſe that your Lordships Anſwer to the Propoſall from the Commiſsioners for England which relates to the uniting the two Kingdoms into one and setling the Succeſsion may together with this their present Answer to the 3d Article be entred in the respective books and Journalls.

My Lord Duke of Queensberry told their Lordships that the Lords Commiſsioners for Scotland would take their Lordships Anſwer & Propoſall into conſideration againſt next meeting.

Adjourned till to morrow at 6 in the evening.

Martis 1 die Dec. 1702.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterburry
Marquis of Annandale	Arch Bishop of York
Marquis of Lothean	Lord Treaſurer
Earle of Seafield	Lord Preſident of the Councell
Viscount of Tarbat	Earle of Nottingham
Viscount of Stair	Earle of Jersey
Viscount of Roſeberrie	Sir Charles Hedges
Lord Boyle	Charles Godolphin Esqr
Lord Preſident of the Seſsion	Samuell Clerk Esqr
Lord Treasurer Deput	
Lord Juſtice Clerk	
Lord Phesdoe	
Cavers	
Sir David Dalrymple	
Sir David Cuningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

There not being a Quorum of the Engliſh Lords Commiſsioners they sent their Secretary to excuſe the same to the Lords Commiſsioners for Scotland and further to signify that they thought themselves enow to receive papers if their Lordships had any to offer.

The Lords Commiſsioners for Scotland said they would send an Anſwer by their own Secretary.

Their Secretary came in and sayd the Lords Commiſsioners for Scotland would be with their Lordships immediatly.

The Lords Commiſsioners for Scotland came in and the Duke of Queensberry said that there not being a Quorum they should offer nothing for the present.

Adjourned to Friday next Six a clock afternoon.

Veneris 4 die Dec. 1702.

PRESENT

Scot.	Engl.
Duke of Queensberry	
Marquis of Annandale	
Duke of Argile	
Marquis of Lothean	
Earle of Seafield	
Viſcount of Tarbat	
Viscount of Stair	
Viscount of Roſeberry	
Lord Boyle	
Lord Preſident of the Seſsion	
Lord Treasurer Deput	
Lord Juſtice Clerk	
Lord Phesdoe	
Cavers	
Sir David Dalrymple	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Allardice	

The Lords Commiſsioners for Scotland having met in the room appointed for them in the Cock Pit after they had been sometime there the Earle of Notingham came to them and delivered himselfe to this effect, that he was sent by such of the Lords Commiſsioners for England as were met, to acquaint their Lord-

ships that they were not as yet a Quorum, nor did expect one that night, for which they were heartily sorry That they desired to know to what time their Lordships would be pleased to adjourn their Meeting.

After the Earle of Notingham had withdrawn The Lords Commissioners for Scotland adjourned till to morrow the 5th instant.

Resolved that My Lord Duke of Queensberry goe to the Councell chamber and acquaint the Lords Commissioners for England met there with this their having adjourned *ut supra* which his Grace did.

Die Sabbati Dec. 5. 1702 Post meridiem.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterburry
Marquis of Annandale	Lord Keeper
Duke of Argile	Arch Bishop of York
Marquis of Lothean	Lord Godolphin
Earle of Seafield	Earle of Pembroke
Viscount of Tarbat	Marquis of Normanbie
Viscount of Stair	Earle of Carlisle
Viscount of Rosebery	Earle of Burlington
Lord Boyle	Earle of Nottingham
Lord President of the Session	Earle of Marleborrough
Lord Treasurer Deput	Earle of Scarborrough
Lord Justice Clerk	Sir John Holt
Lord Phesdoe	Sir John Cook
Sir David Dalrymple	Charles Godolphin Esqr
Sir David Cuningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	
Mr Allardice	

My Lord Duke of Queensberry acquainted the Lords Commissioners for England that they had something to offer to their Lordships in reference to the Answer and Propofall their Lordships had made, which was read as followes.

The Lords Commissioners for Scotland having taken into their consideration your Lordships Answer to the 3d Article of their first Proposition wherein your Lordships do agree That a mutuall Communication of trade and other Priviledges is proper and reasonable in a compleat Union of the two Kingdoms.

Their Lordships conceive that the uniting the two Kingdoms into one Monarchy and under the same Line of Succession and the representing the two Kingdoms in one Parliament is such an Union as entitles the Subjects of both Kingdoms to a mutuall Communication of trade Priviledges and advantages And if your Lordships do acquiesce and assent to the Communication of trade in these terms, the Lords Commissioners for Scotland do consent that their Answer with your Lordships Answer and this Addition be entered in the respective books and Journals.

The Lords Commissioners for England withdrew to consider this and returning within a little the Lord Keeper acquainted the Lords Commissioners for Scotland that they had prepared an Answer to what their Lordships had offered which was read as followes.

Their Lordships conceive that the Union cannot be compleat till all the termes are adjusted upon which it is constituted And therefore tho they allow the Communication of trade and other Priviledges to be the necessary result of a compleat Union Yet in the methode of proceeding they must first settle with your Lordships the termes and conditions of this Communication of trade and other Priviledges And they are ready to enter upon the consideration of them in such methode as shall be agreed on as most likely to bring this particular matter to a speedy determination And they move that your Lordships Answer to the Proposition from the Commissioners for England which relates to the uniting the two Kingdoms into one, and settling the succession may be entered.

The Lords Commissioners for Scotland withdrew to consider this and upon their return the Lord Duke of Queensberry did in name of their Lordships offer what followes, which was read.

The Lords Commissioners for Scotland are satisfied to treat the particulars of the Communication of trade in order to adjust the same and they do agree that the Propofalls and Answers mutually made on either side be entered in the respective books and Journalls in the terms of the Preliminaries.

Ordered that the Propofalls & Answers made by the Lords Commissioners on either side be entered by the Secretaries in the respective Journalls of this day.

Propofalls by the Lords Commissioners for England.

That the Kingdoms be united into one by the name of the Kingdom of Great Britain, &

That the succession to the Monarchy of this united Kingdom of Great Britain shall be according to the Limitations mentioned in the Act of Parliament made in England in the 12th and 13th yeares of the Reign of the late King William Entituled an Act for the further Limitation of the Crown and better securing the Rights and liberties of the Subjects.

The answer given by the Lords Commissioners for Scotland.

The Commissioners for the Kingdom of Scotland do agree that the Kingdoms be united into one by the name of the Kingdom of Great Britain And

That the succession to the Monarchy of this united Kingdom of Great Britain in default of the Issue of the body of her Majesty Queen Anne (which God forbid) shall descend on Princess Sophia Electoress and Dutchess Dowager of Hannover and remain to her and the heires of her body being Protestants excluding all Papists for ever conform to the Act of Parliament made in England in the 12th and 13th yeares of the Reign of the late King William Entituled an Act for the further Limitation of the Crown and the better securing the Rights and Priviledges of the Subjects And they reserve the other Conditions and Provisions contained in the above mentioned Act to be likewise considered in the further Progress of the Treaty in order to be adapted to the Constitutions and Lawes of both Kingdomes.

By the Lords Commissioners for Scotland.

That there be a mutuall Communication of trade and all other Priviledges and advantages.

Answer by the Lords Commissioners for England.

Their Lordships agree that a mutuall Communication of trade and other Priviledges and Advantages is proper and reasonable in a compleat Union of the two Kingdomes.

Then the Lord Duke of Queensberry did in name of the Lords Commissioners for Scotland offer what followes, which was read.

The Lords Commissioners for Scotland did propose to your Lordships that for preparing and facilitating matters which may occur in this Treaty, there may be a Committee consisting of four or five persons for either Kingdom nominated from time to time to meet and discourse the points that may properly fall in to be considered in this Treaty and to report what hath past to the respective Commissioners That in the Generall Meeting they may proceed with the greater unanimity and dispatch.

Refolved that there be a Committee confifting of Six of each fide to meet to the effect above mentioned. Of the Lords Commifsioners for

Scotland	for England
Marquis of Annandale	Lord Arch Bishop of York
Duke of Argile	Earle Marshall
Earle of Seafield	Earle of Scarborrough
Viscount of Tarbat	Lord Chief Juftice Trevor
Viscount of Stair	Sir John Cook
Sir Patrick Johnston	Mr Godolphin, or
or any three of them	any three of them.

Adjourned to Wednesday the 9th inft. The Committee to meet on Munday the 7th.

Mercurii 9 die Dec. 1702 Poft meridiem.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancelour	Arch Bishop of York
Marquis of Annandale	Lord Prefident
Duke of Argile	Earle of Carlifle
Marquis of Lothean	Earle of Jersey
Viscount of Tarbat	Earle of Burlington
Viscount of Stair	Earle of Notingham
Lord Boyle	Earle of Scarborrough
Lord President	Bishop of London
Lord Treasurer Deput	Sir John Holt
Lord Phesdoe	Sir John Cook
Sir David Dalrymple	Charles Godolphin, Esqr
Cavers	Samuell Clark Esqr
Sir David Cuningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Scrimgeor	
Mr Allardice	

The Duke of Queensberry offered on the part of the Lords Commifsioners for Scotland the following Propofalls which were read.

1. That there be a free trade between the two Kingdoms without any Impofition or distinction.

2. That both Kingdoms be under the same regulations and lyable to equall Impofitions for exportation and importation and that a book of Rates be adjufted for both.

3. That the Subjects of both Kingdoms and their Seamen and Shiping have equall freedom of Trade and Commerce to and from the Plantations and be under the same regulation.

4. That the Acts of Navigation and all other Lawes in either Kingdom in fo far as contrary to or inconfiftent with any of the above mentioned Propofalls, be refcinded.

5. That neither Kingdom be burthened with debts contracted or to be contracted by the other before the Union and that the equality of Impofitions in the fecond Propofall be underftood with an Exception of Impofitions laid on or appropriated by the Parliament of England for payment of their debts, or if an equality of Impofitions on trade be thought neceefsary That there be allowed to Scotland an equivalent.

6. That the former propofalls are made without prejudice to the Companies or Manufactures of either Kingdom, which are referved to further confideration in the progrefs of this Treaty.

The Lords Commifsioners for England took thefe Propofalls into confideration.

Refolved that the former Committee be revived, with power to meet at any time before the next generall meeting to discourfe on the Subject of the above propofalls and to report their opinions to the respective Commifsioners.

Refolved that there be two of each fide added to the former Committee, the Quorum continuing as it was.

The two nominated by the Commifsioners for	
Scotland	for England
Lord Boyle	Earle of Burlington
Lord Prefident of the Sefsion	Samuell Clark Esqr

Adjourned to Munday the 14th inftant.

Lunæ 14 Dec. 1702. Post meridiem.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Duke of Argile	Arch Bishop of York
Marquis of Lothean	Lord Treasurer
Earle of Seafield	Lord Prefident
Viscount of Tarbet	Lord Privy Seale
Viscount of Stair	Duke of Devonfhire
Viscount of Rofeberrie	Duke of Somerfet
Lord Boyle	Earle of Carlifle
Lord Prefident of the Sefsion	Earle of Jerfey
Lord Juftice Clerk	Earle of Burlington
Sir David Dalrymple	Earle of Notingham
Sir David Cuningham	Earle of Rochester
Sir James Smallet	Earle of Marleborrough
Sir Patrick Johnston	Earle of Scarborrough
Cavers	Bishop of London
Mr Montgomerie	Sir Charles Hedges
Mr Scrimgeor	Sir John Holt
Mr Allardice	Sir John Levison Gore
	Sir Christopher Mufgrave
	Sir John Cook
	Robert Harley Esqr
	Charles Godolphin Esqr
	Samuell Clark Esqr

The Lord Keeper acquainted the Lords Commifsioners for Scotland that their Lordships for England having been much taken up with publick bufinefs had not as yet prepared an Anfwer to the Propofalls offered at the laft meeting, but that they should endeavour to have one ready against the next meeting. He also acquainted their Lordships that the Queen defigned to honour this meeting with her prefence, and moved that for informing her Majesty of the progrefs made in the Treaty the propofalls made by either fide and the refolutions taken thereupon should be read over if her Majesty should think fit to allow it which was agreed to.

The Lord Keeper read over the 6th of the Propofalls offered on the part of the Lords Commifsioners for Scotland at the laft Meeting, and defired their Lordships would explain it being inconfiftent with the 2d Propofall.

It was anfwered by the Earle of Seafield for their Lordships of Scotland That they did not expect an Anfwer to the 6th Propofall but had made it only to show their Lordships that they did not think the matter of the Companies included in the 2d Propofall, but referved to a speciall confideration in the further progrefs of the Treaty To which the Lords Commifsioners for England acquiefced.

Her Majesty came to the Councell Chamber and being set in her chair spoke to the Lords Commifsioners as followes.

My Lords

I am fo fully perfwaded that the Union of my two Kingdoms will prove the happinefs of both and render the Ifland more formidable than it has been in ages paft That I wifh this Treaty may be brought to a good and speedy conclufion. I am come to

know what progreſs you have made in it, and I do aſsure you nothing shall be wanting on my part to bring it to perfection.

The Lord Keeper told her Majesty that what was immediatly under their conſideration was some propoſalls offered by their Lordships of Scotland about trade To which they had not as yet prepared an Anſwer, but deſired to know if her Majesty would be pleaſed to hear the propoſalls that had been made on either ſide and the reſolutions taken thereupon read, which her Majesty was pleaſed to allow.

And the same were read accordingly.

After reading whereof her Majesty went away and the Lords Commiſsioners adjourned to Wedneſday the 16th inſtant.

Mercurij 16 die Dec. 1702. Post meridiem.

PRESENT.

Scot.	Engl.
Duke of Queensberry	Arch Biſhop of Canterburry
Lord Chancelour	Arch Biſhop of York
Marquis of Annandale	Lord Treasurer
Duke of Argile	Lord Preſident
Marquis of Lothean	Earle of Jerſey
Viſcount of Tarbat	Earle of Burlington
Viſcount of Stair	Earle of Notingham
Viſcount of Roſeberry	Earle of Rochester
Lord Boyle	Earle of Scarborrough
Lord Preſident of the Seſsion	Sir Charles Hedges
Sir David Dalrymple	Sir John Holt
Sir James Smallet	Sir Thomas Trevor
Sir Patrick Johnſton	Sir John Levison Gore
Cavers	Sir John Cook
Mr Montgomerie	Charles Godolphin Esqr
Mr Scrimgeor	Samuell Clark Esqr
Mr Allardice	

The Lord Treaſurer acquainted the Lords Commiſsioners for Scotland that they had some Conſiderations to offer to their Lordſhips in reference to the propoſalls they had given in and which they thought might be the proper ſubject of a Conference and Debate, which Conſiderations were read as follows.

> Some Conſiderations of the Lords Commiſsioners for England upon the Propoſalls delivered by the Lords Commiſsioners for Scotland on the 9th inſtant to be propoſed as the subject matter of debate between the Lords Commiſsioners of both Kingdoms.

As to the firſt Article their Lordſhips are of opinion that there be a free Trade between the two Kingdoms for the native Commodities of the growth product or manufactures of the reſpective Countries with an Exception to Wooll ſheep and ſheep fells and without any diſtinction or impoſition other than equall Duties upon the home conſumption reſpectively Their Lordſhips being of opinion that the trade between the two Kingdoms cannot be upon an equall foot unleſs the said Duties and Impoſitions be the ſame in Scotland as in England.

And this Article reſpecting a Coaſt trade It seems reaſonable for their Lordſhips to inſiſt That the Maſters Mariners and Goods should be under the same Securities Penalties and Regulations as are in that caſe provided by the Lawes in England.

As to the 2d Article It ſeems reaſonable But their Lordſhips offer that it will be neceſsary therein to add a proviſion That not only the Impoſition on trade, but the Prohibitions be the ſame on both ſides in reſpect aſwell of Importations as Exportations.

As to the 3d Article Their Lordſhips say That the Plantations are the property of Engliſh men and that this trade is of ſo great a conſequence and ſo beneficiall as not to be communicated as is propoſed till all other particulars, which ſhall be thought neceſsary to this Union be adjuſted That as the caſe now ſtands by law no European goods can be carried to the Engliſh Plantations but what have been firſt landed in England (except Salt Iriſh and Scotiſh Proviſions Servants and horſes Madera Wine and Wine of the Azores) nor can the Product of the Plantations be carried to other parts of Europe till it has been firſt landed in England.

Their Lordſhips further offer that in this Article it will be neceſsary to make proviſion that the Subjects of Scotland ſhall be lyable to be preſt for the Sea in the same manner as the Engliſh Subjects are in time of war for her Majesties Service.

As to the 4th Article their Lordſhips agree that an Act of Navigation muſt be framed in both Kingdoms adapted to the termes of the Union.

As to the 5th Article their Lordſhips say that the propoſall therein contained ſeems to contradict what is granted by the second Article in as much as there is no duty ſubsisting on Trade (except only on some of the fonds for the Civill Government) but what is appropriated to the payment of the Debts of the Nation.

That tho' the said debts have been contracted by a long War, entered into more particularly for the preſervation of England and the Dominions thereunto belonging Yet that Scotland has taſted of the benefits which have accrued to Great Britain in generall from the oppoſition that has been made to the growth and power of France that ſuch burthens will be abundantly recompenſed to Scotland by a compleat Union. To which compleat Union as a free Communication of trade is eſsentiall, ſo such a free Communication of trade cannot be eſtabliſhed with equality unleſs the same Duties both upon forreign trade and home Conſumption be levied in both Kingdoms.

But how the Sums of money thereby ariſing within the said Realm ſhall be applyed or what equivalent is to be allowed in the room thereof may be ſettled when your Lordſhips are ready to offer what proportion of the publick burthens Scotland propoſes to bear towards the future support of the Government both in times of peace and war.

As to the 6th Article their Lordſhips say That it requires to be further explained before they can be ready to give an Anſwer to it.

December the 16th 1702.

The Duke of Queensberry on the part of their Lordſhips of Scotland told their Lordſhips of England that they were satisfied to debate the Subject matter of theſe Conſiderations with their Lordſhips at their next meeting.

Adjourned to Saturday the 19th inſtant.

Sabbati 19 Die Dec. 1702. Post meridiem.

PRESENT

Scot.	Angl.
Lord Chancelour	Arch Biſhop of Canterburry
Marquis of Annandale	Arch Biſhop of York
Marquis of Lothean	Lord Treasurer
Viſcount of Tarbat	Lord Preſident
Viſcount of Stair	Duke of Devonſhire
Viſcount of Roſeberrie	Duke of Marleborough
Lord Boyle	Earle of Notingham
Lord Preſident of the Seſsion	Earle of Rochester
Sir David Dalrymple	Biſhop of London
Sir James Smallet	Sir John Holt
Sir Patrick Johnston	Sir John Levison Gore
Cavers	Sir Christopher Muſgrave
Mr Montgomerie	Charles Godolphin Esq
Mr Scrimgeor	Samuel Clark Esq
Mr Allardice	

The Earle of Seafield on the part of the Lords Commiſsioners for Scotland put their Lordships of England in mind that they

had some dayes agoe given in to their Lordships some Propoſalls, which they deſired might be read one by one that so they might have their Lordships Anſwer.

My Lord Godolphin on the part of the Lords Commiſsioners for England anſwered that they had offered to their Lordships at the laſt Meeting some Conſiderations on theſe Propoſalls which might be the fit subject of a Debate and Conference, which they were ready to enter into with their Lordships.

The Lord Marquis of Annandale replyed that he thought the Propoſalls offered by the Lords Commiſsioners for Scotland the proper Subject of a Debate and Conference if their Lordships thought fit they might make uſe of the Conſiderations they had given in as containing the grounds of the difficulties they found in reference to the Propoſalls as to which they did not doubt but to satisfy their Lordships.

Upon which the firſt Propoſall was read and then the Conſideration relating thereto and was spoke to by the Lord Chancelour of Scotland and the Marquis of Annandale and others on the part of the Lords Commiſsioners for Scotland and by the Lord Treasurer the Lord Preſident and Earle of Notingham on the part of the Lords Commiſsioners for England.

Then they proceeded to the other propoſalls which were ſeverally read with the respective Conſiderations and spoke to by the Commiſsioners on both ſides.

Reſolved that the former Committee should meet and draw up the reſult of this Conference to be offered at the next generall Meeting.

Adjourned to Wedneſday the 23d inst.

Mercurij die 23. Dec. 1702.

PRESENT

Scot.	Ang.
Duke of Queensberry	
Lord Chancelour	
Duke of Argile	
Marquis of Annandale	
Viscount of Tarbat	
Viscount of Stair	
Viscount of Roseberrie	
Lord Boyle	
Lord Preſident of the Seſsion	
Sir David Dalrymple	
Sir James Smallet	
Sir Patrick Johnston	
Cavers	
Mr Montgomerie	
Mr Scrimgeor	

There not being a Quorum of the Lords Commiſsioners for England their Lordships for Scotland adjourned to Munday the 28th inſtant.

Lunæ 28 die Dec. 1702 Post meridiem.

PRESENT

Scot.	Ang.
Duke of Queensberry	
Lord Chancelour	
Marquis of Lothean	
Viſcount of Tarbat	
Viſcount of Stair	
Viscount of Roſeberry	
Lord Boyle	
Lord Preſident of the Seſsion	
Sir David Dalrymple	
Sir James Smallet	
Sir Patrick Johnston	
Cavers	
Mr Montgomerie	
Mr Scrimgeor	

The Lords Commiſsioners for Scotland having met in their own Chamber in the Cock Pit after they had been there some time The Lord Godolphin Lord Treasurer and the Earle of Notingham came to them from such of the Lords Commiſsioners for England as were then met in the Councell Chamber to let their Lordships know the regrate they had that they were not a Quorum and could not expect one that evening And if it were agreeable to their Lordships that they deſired the meeting might be adjourned till Wedneſday next, Upon which the Lords Commiſsioners for Scotland adjourned till Wedneſday the 30th inſtant.

Mercurij die 30 Dec. 1702 Poſt meridiem.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancelour	Lord Keeper
Marquis of Annandale	Lord Treasurer
Marquis of Lothean	Lord Preſident
Viſcount of Tarbat	Lord Privy Seale
Viscount of Stair	Duke of Marleborrough
Viscount of Roſeberrie	Earle of Notingham
Lord Boyle	Earle of Scarborrough
Preſident of the Seſsion	Biſhop of London
Sir David Dalrymple	Sir Charles Hedges
Sir Patrick Johnston	Sir John Levison Gore
Cavers	Sir John Cook
Sir James Smallet	Mr Godolphin
Mr Montgomerie	Mr Clark
Mr Scrimgeor	Dr Waller

The Lord Keeper acquainted the Lords Commiſsioners for Scotland that their Lordships for England did not think it convenient that the proceedings of this Board should be made publick and that they had ordered their Secretary to take care that Copies thereof be not communicated And that they deſired their Lordships would do the like To which the Lords Commiſsioners for Scotland agreed.

The Lord Keeper offered a Paper as the reſult of the laſt Conference, which was read.

The Duke of Queensberry offered another on the part of the Lords Commiſsioners for Scotland as that which their Lordships judged to be the reſult of the Conference which also was read.

The Duke of Queensberry told their Lordships that their Lordships of Scotland did think fit to withdraw and conſider the paper offered by their Lordships which accordingly they did and returning within a little

The Duke of Queensberry acquainted their Lordships of England that the Lords Commiſsioners for Scotland having had the paper offered by their Lordships under conſideration they did take notice that there were some things in it particularly that about Impoſitions on home Conſumpt which did not fall properly to be conſidered under the head of Trade, but under some other head of the Treaty as that of Taxes, and moved that it might be the subject of a Conference at their next meeting To which the Lords Commiſsioners for England agreed.

Adjourned to Saturday the 2d January 1703.

Sabbati die 2° Jan. 1703 Post meridiem.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancelour	Arch Bishop of York
Duke of Argile	Lord Prefident
Marquis of Lothean	Earle of Carliſle
Earle of Leven	Earle of Burlington
Viſcount of Stair	Earle of Notingham
Lord Boyle	Earle of Rochester
Lord Prefident of the Seſsion	Earle of Scarborrough
Sir James Smallet	Sir Charles Hedges
Sir David Dalrymple	Sir John Holt
Cavers	Mr Godolphin
Mr Montgomerie	Mr Clark
Mr Scrimgeor	Dr Waller

The Lord Prefident acquainted the Lords Commiſsioners for Scotland that the second Article of thoſe which had been under their conſideration relating principally to the trade of forreign Commodities their Lordships of England were content to reſerve to another time the conſideration of the Duties to be laid on the home Conſumption of Scotland.

Then the Lords Commiſsioners proceeded to take into their Conſideration the Articles brought in from the Committee as the result of the last Conference which were ſeverally read and after some amendments agreed on by the Lords Commiſsioners of both ſides and ordered to [be] inſert in the respective Journalls of this day.

Agreed by the Lords Commiſsioners for both Kingdoms in the termes of the Preliminaries and to take place when the Union shall be compleated.

1. That there be a free Trade between all the Subjects of the Island of Great Britain without any diſtinction in the same manner as is now practised from one Port of England to another And that the Maſters Mariners and goods be under the same securities and penalties in the Coaſting trade.

2. That both Kingdoms be under the same regulations and prohibitions and lyable to equall Impoſitions for Exportation and Importation, and that a book of Rates be adjuſted for both.

3. That the ſubjects of both Kingdoms and their Seamen and ſhiping have equall freedom of Trade and Commerce to and from the Plantations under such and the same regulations and reſtrictions as are and will be neceſsary for preſerving the said trade to Great Britain And that the Seamen of Scotland be equally lyable to the publick ſervice as the Seamen of England now are.

4. That ſuch Lawes part or parts of the Act of Navigation or of any other law now in force in either Kingdom as shall be contrary to or inconſiſtent with the termes of the Union, ſhall be on both ſides repealled, And that an Act of Navigation be framed and adapted to the termes of the Union.

The Lord Prefident of the Seſsion moved on the part of the Lords Commiſsioners for Scotland that ſuch other propoſitions might afterwards be offered as their Lordships should think neceſsary for further clearing the freedom of trade Shiping and Navigation To which the Lords Commiſsioners for England agreed.

The Lord Prefident of the Councill on the part of the Lords Commiſsioners for England moved that the matter of Duties on the home Conſumption ſhould be the ſubject matter of Conference and debate at the next Meeting To which the Lords Commiſsioners for Scotland agreed.

Adjourned to Munday the 4th inſtant.

Lunæ die 4to Jan. 1703.

PRESENT

Scot.
Duke of Queensberry
Lord Chancelour
Marquis of Annandale
Duke of Argile
Marquis of Lothean
Earle of Leven
Viscount of Tarbat
Viscount of Roſeberry
Viscount of Stair
Lord Boyle
Lord Prefident of the Seſsion
Sir David Dalrymple
Sir James Smallet
Mr Montgomerie
Cavers
Mr Scrimgeor

The Lords Commiſsioners for Scotland met at their own Chamber in the Cock Pit and after they had been there sometime The Earles of Burlington & Rochester came to them from ſuch of the Lords Commiſsioners for England as were then in the Councell Chamber to let their Lordships know they were not then a Quorum, nor did expect to be that evening, which they hoped their Lordships would take in good part, and deſired to know to what day their Lordships would adjourn.

Upon which the Lords Commiſsioners for Scotland adjourned to Friday the 8th inſtant.

Veneris 8vo die Jan. 1703.

Before there was a Quorum of the Lords Commiſsioners for Scotland The Arch Bishop of Canterburry Sir John Cook and Dr Waller came into the Chamber appointed for the Scots Commiſsioners and acquainted their Lordships that her Majesty having called a Councell at St James's their Lordships of England were obliged to repair thither, which they deſired to be notified to their Lordships by them, and that they could not attend them that evening but should be satisfied to meet them the next day, with which the Lords Commiſsioners for Scotland then present acquainted the others as they came in Whereupon their Lordships adjourned to Saturday the 9th inſtant.

Sabbati die 9no Jan. 1703.

The Lords Commiſsioners for Scotland met in their own Chamber and after having been sometime there, such of the Lords Commiſsioners for England as were in the Councell Chamber sent their Secretary to acquaint their Lordships that there was not a Quorum of them and that the houſe of Peers had sit so late that they did not expect one that evening, and deſired to know to what time their Lordships would adjourn Whereupon the Lords Commiſsioners for Scotland adjourned to Tuesday the 12th instant.

Martis die 12mo Jan. 1703.

PRESENT

Scot.	Ang
Duke of Queensberry	Lord Keeper
Lord Chancelour	Lord Prefident
Marquis of Annandale	Duke of Marleborough
Marquis of Lothean	Earle of Jerſey

Earle of Leven
Viscount of Tarbat
Viscount of Stair
Viscount of Roſeberrie
Lord Boyle
Lord Preſident of the Seſsion
Cavers
Sir James Smallet
Sir Patrick Johnston
Mr Montgomerie
Mr Scrimgeor
Earle of Notingham
Earle of Rochester
Sir Charles Hedges
Lord Chief Juſtice Holt
Lord Chief Juſtice Trevor
Sir Christopher Muſgrave
Mr Godolphin
Mr Clark
Dr Waller

The Lord Keeper moved that the 5th Article of Proposalls formerly offered by the Lords Commiſsioners for Scotland on the 9th December, as drawn up by the Committee should be read, which was accordingly done.

Then the Lords Commiſsioners went into a Conference on the Subject of home Conſumpt which was spoke to for sometime Then it was moved that they should consider the reasons offered on either side against the next meeting.

The Earle of Notingham moved that their Lordships of Scotland should againſt the next meeting prepare some overture relating to the Share their Lordships were willing to bear in the Land Tax.

Adjourned to Friday the 15th instant.

Veneris die 15to Jan. 1703.

The Lords Commiſsioners for Scotland met in their own Chamber in the Cock Pit And after they had been sometime there the Earle of Carliſle came in to them from ſuch of the Lords Commiſsioners for England as were then met in the Councell Chamber to let their Lordships know that they did not expect a Quorum that evening And moved that to prevent that inconveniencie in time coming their meetings might be in the forenoon, to which their Lordships of Scotland agreed, and adjourned to Munday the 18th instant.

Lunæ die 18vo Jan. 1703.

PRESENT

Scot.	Eng.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancelour	Lord President
Marquis of Annandale	Lord Chamberlain
Marquis of Lothean	Earle of Notingham
Earle of Leven	Earle of Rochester
Viscount of Tarbat	Earle of Scarborough
Viscount of Stair	Bishop of London
Viscount of Roſeberry	Sir Charles Hedges
Lord Boyle	Lord Chief Juſtice Holt
Lord Preſident of the Seſsion	Mr Chancelour of the Dutchy
Sir Patrick Johnston	Sir John Cook
Sir James Smallet	Charles Godolphin Esqr
Cavers	Samuel Clark Esqr
Mr Montgomerie	Dr Waller
Mr Scrimgeor	

The Duke of Queensberry on the part of the Lords Commiſsioners for Scotland acquainted their Lordships of England that they had drawn up some Articles as the result of the last Conference in which they had gone as great a length in the severall points therein mentioned as they hoped would satisfy their Lordships Which Articles were read as followes.

1. That neither Kingdom be burthened with debts contracted or to be contracted by the other before the Union, and that no other or greater Excife or other duties on home Consumpt or Inland taxes be raised or imposed within that part of the united Kingdom now called Scotland then these now on foot there till the debts of England contracted or to be contracted before the Union be fully satisfied and paid.

2. That after payment of the Engliſh debts as aforesaid that part of Great Britain now called Scotland shall be ſubject to the Survey of the Parliament of Great Britain and be lyable to ſuch Excifes and other home duties as shall by the said Parliament be thought juſt and ſuteable to the circumstances of that part of the united Kingdom for the time Provided that the proportion of Inland duties and Impoſitions of that part of the united Kingdom shall not then, or ever after be more than that of the other neighbouring Counties of the now Kingdom of England.

3. If any goods or merchandize of the native product of Scotland not lyable to any Excife or Impoſition there shall be transported from Scotland to England by Sea or Land the said Goods or merchandice when brought into England shall be lyable to the same duties and no other which might have been raiſed or exacted if they had been of the native product of England.

4. As an equivalent to Scotland for becoming ſubject to the same regulations with England in Export and Import and for the encouragement of Fiſhing and Trade and Manufacture in Scotland That out of some effectuall branch of the Revenue ariſing from that part of Britain now called Scotland there be 10000 lb yearly after compleating the Union appropriated towards carrying on the fiſhery and improving the Manufactures and native product there as shall be directed and ordered by Commiſsioners and Truſtees to be named for that purpose.

5. That 48000 lb ſhall be reckoned as the juſt proportion of Scotland in the 4 ſ Pound rate of Land tax and so proportionally in all land taxes in time coming.

The Lords Commiſsioners for England took theſe Articles into further conſideration againſt the next meeting.

Adjourned to Thursday the 21st instant.

Jovis die 21 Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	
Lord Chancelour	
Marquis of Annandale	
Marquis of Lothean	
Earle of Leven	
Viscount of Tarbat	
Viscount of Stair	
Viscount of Roſeberrie	
Lord Boyle	
Preſident of the Seſsion	
Sir James Smallet	
Sir Patrick Johnston	
Laird of Cavers	
Mr Montgomerie	
Mr Scrimgeor	

The Lords Commiſsioners for Scotland having met in their own Chamber in the Cock Pit The Earle of Pembroke Marquis of Normanby and Earle of Notingham came to their Lordships from such of the Lords Commiſsioners for England as were then in the Councell Chamber to acquaint their Lordships that having reflected on the severall disappointments they had given their Lordships of which they were very much aſhamed To prevent the like for the future they were reſolved to apply to the Queen for a new Commiſsion from her Majesty Conſtituting seven of their number to be a Quorum if this methode were agreeable to their Lordships of Scotland; then withdrew. The Lords Commiſsioners for Scotland took into their conſideration what had been propoſed on the part of their Lordships of England, and having

caused read their Commission under the Great Seale of Scotland they found themselves thereby sufficiently warranted to treat with any number should be appointed by her Majesty of the English under the Great Seale of England.

Resolved that the Lord Chancelour the Marquis of Annandale and the Viscount of Tarbat goe in to the Councell Chamber and acquaint such of the Lords of England as were met there with their complyance with their Lordships proposall.

Upon return of these Lords the Lords Commissioners for Scotland adjourned to Saturday the 23d instant.

Sabbati die 23 Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancelour	Lord President
Duke of Argile	Earle of Notingham
Marquis of Lothean	Earle of Rochester
Earle of Leven	Earle of Scarborough
Viscount of Tarbat	Lord Chief Justice Trevor
Viscount of Stair	Sir John Cook
Lord Boyle	Dr Waller
President of the Session	
Sir James Smallet*	
Sir Patrick Johnston	
Cavers	
Mr Montgomerie	
Mr Scrimgeor	

The Lord President of England acquainted their Lordships of Scotland that her Majesty had been pleased to grant a Commission under the Great Seal of England Appointing any seven of their number to be a Quorum, which was read.*

Ordered that a Duplicate of the said Commission be prepared to be given to their Lordships of Scotland.

The Lord President offered on the part of the Lords Commissioners for England some Considerations upon the Articles exhibited by their Lordships at the last meeting.

Which Articles and the considerations relative thereto were severally read.

The Considerations are as followes.

1. As to the former part of the first Article viz That neither Kingdom be burthened with the debts contracted or to be contracted by the other before the Union, it being the same *in terminis* with the 5th Propositon delivered by their Lordships on the 9th of December The observation made then may suffice for a Reply to it now viz That tho the debts of England have been contracted by a long war entred into more particularly for the preservation of England and the dominions thereunto belonging Yet Scotland has had its share in the benefits which have accrued to Great Britain in generall from the opposition that has been made to the growth and power of France, and have encreased the number of their Seamen considerably by the Employment they had in the coast trade of England during the war But as it is necessary they should be under equall Impositions with regard to the balance of trade and manufactures when the Kingdoms shall be united and a free Communication of native product settled so it may be reasonable that the money so raised upon that part which is now Scotland should be applyed to the security and protection of Scotland and the trade thereof, nor does it follow that because the Duties now raised on particular Fonds in England are appropriated for the payment of debts, that therefore when the like Duties are laid in Scotland they must be applyed in the same manner But for their Lordships to propose that there be no other duty or greater Excise on home Consumption or Inland taxes raised or imposed in Scotland than those now on foot there, till the debts in England contracted, or to be contracted before the Union be fully satisfied and paid lets the puting trade upon an equall foot, which is intended by an equality of Impositions at such a distance as gives little hopes of any now alive of coming at it For one of the Nine pences on beer and ale being the Fond of the first Million Act Anno 4to & 5to of the late King and Queen was granted for 99 years, One Nine pence more which was the Fond of the Lottery for about 8 yeares yet to come, One Nine pence more (which is the Bank Fond) Inheritance to the Crown As are also the severall duties upon Salt, and halfe that upon stamp'd paper tho in these latter duties there are Clauses of Provision for Redemption But whilst it is insisted that there shall be no other or greater in Scotland than are already paid there, it may be presumed that those already mentioned are enow to prevent the necessity of enquiring into the number or proportion of what they have in Scotland, where if by exemption from such duties a Clothier can subsist himselfe and family for four pence *per diem* each head as well as in England for eight pence All such Manufacturers who shall goe thither will be able to undersell and consequently out trade those that stay in England halfe in halfe in what relates to their labor by subsisting so much cheaper but the workmanship of every pound of woull made into Cloth advances the value of it near nine parts in ten from its first cost.

2. As to the 2d Article Their Lordships say That duties upon the home Consumption require to be equally laid on all the pairts of the united Kingdom, Nor do the Northern Counties of England pay less duties of Excise (as seems here suggested) than the Midland but rather more in proportion to the value in their Counties of the Commodities excised.

3. As to the 3d Article It is needless to debate upon it till the first be settled these two depending one upon the other If indeed the Lords Commissioners for England should think it expedient to exempt the home Consumption of Scotland from *any new* Duties for some reasonable period of time till that Kingdom begins to reap the benefits of the free Communication of trade intended by this Union then their Lordships will insist that such Commodities as pay duties in England may be charged with the same duties when they are exported or brought out of Scotland into England and upon some other Provisions which will be requisite to prevent frauds in her Majesties Revenues.

4. As to the 4th Article The Lords Commissioners for England say that the free Communication especially of the forraign trade to which in the termes of the Preliminaries their Lordships have assented *is so great a* benefite to Scotland that they did not expect an equivalent should be mentioned for the equality of Impositions upon Exportation and Importation befids their Lordships say your

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* Warrant for altering the Number of Commissioners which form a Quorum.

ANNE R.

Whereas, by our Commission, under our great seal of England, bearing date the 20th day of September, last past, wee have constituted and appointed the most reverend Father in God, Thomas, Archbishop of Canterbury, and several others persons, therein named, our Commissioners, pursuant to the act of Parliament in that behalfe made, to treat of an Union of our realmes of England and Scotland, with the Commissioners authorized, or to be authorized by us, pursuant to an act, made in our Parliament of Scotland, or so many of them as shalbe a quorum; and, by our said Commission, have constituted and appointed any thirteen of the said Commissioners to be a quorum, for the purposes therein mentioned; and whereas wee doe now think it necessary to appoint any seven of the said Commissioners to be a quorum, for the same purposes; our will and pleasure is, that you prepare a bill, for our royall signature, to pass our great seal, for granting full power and authority to any seven of the Commissioners, constituted by our Commission abovementioned, to perform and execute all and singular the matters and things, which any thirteen of our said Commissioners were authorized to perform and execute by our said Commission; and you are to insert therein, all such clauses as you shall judge necessary in this behalf. For which this shall be your warrant. Given at our Court at St. James's, the 21st day of January, 1702-3, in the first year of our reigne.

By Her Majesty's command

NOTTINGHAM.

Lordships have already agreed upon an equality of Impoſitions as to forreign trade both as to Exportation and Importation.

5. As to the 5th Article 'Twill be impoſsible to determin this point till their Lordships ſhall be informed of the value of the Lands in Scotland, and this may be further debated when their members in the Parliament of Great Britain ſhall come to be ſettled.

The Duke of Queensberry told their Lordships of England that the Lords Commiſsioners for Scotland would have their thoughts on the conſiderations offered by their Lordships againſt the next meeting.

Adjourned to Munday the 25th instant.

Lunæ die 25to Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancellor	Arch Bishop of York
Duke of Argile	Lord Preſident
Marquis of Annandale	Earle of Rochester
Marquis of Lothean	Earle of Scarborrough
Earle of Leven	Sir Charles Hedges
Viscount of Tarbat	Sir John Cook
Viscount of Stair	Dr Waller
Viscount of Roseberry	
Lord Boyle	
Preſident of the Seſsion	
Cavers	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	

The Duke of Queensberry on the part of the Lords Commiſsioners for Scotland acquainted their Lordships of England that they had prepared some anſwers to the Conſiderations offered by their Lordships at the preceding meeting, which with the said Conſiderations were severally read.

The Answers are as followes.

1. As to the firſt The Lords Commiſsioners for Scotland do ſtill inſiſt that neither Kingdom be burdened with debts contracted or to be contracted by the other before the Union in manner mentioned in their former propoſition of the 9th December laſt Becauſe your Lordships have not offered yet any Anſwer to that propoſition to be entered in the books.

2. Scotland ought not to be burthened with any debts contracted during the late war, becauſe they have already been subject to ſuch burthens and taxes as were suteable to the exigencies of the Government and their Circumstances during the war and ſince and their Land and Seamen have been of very great uſe to England and the Confederats during the present and former war.

3. Whereas your Lordships conſideration imports that equality of trade requires equality of Impoſitions but that the duties ariſing in Scotland from the like Fonds as are impoſed in England may be applyed for other uſes than the payment of Engliſh debts their Lordships say that the distance of Scotland from the Seat of the Soveraign and the great Judicatures and the City of London the great Conſumption of Britain and other Circumſtances in relation to trade Do put that Nation under ſuch disadvantages that they ought not to undergoe equall burdens, at leaſt for a long period of time, that trade may be encouraged there which will prove the advantage and benefite of the whole Island, and no period can be more juſt and reasonable than the payment of the Engliſh debts, in which Scotland is not concerned and conſequently their burthens ought not to be encreaſed upon the account of theſe debts.

4. If the burthens of Scotland were encreaſed on the same foot as in England that Nation could not be relieved by applying thoſe burthens to other uſes then Engliſh debts, becauſe the burthens they now bear were sufficient to defray the expence of the Government before the Union and conſequently much more than will defray the additionall Charge after the Union whereby there will be a conſiderable ballance ariſing to the Treasury of Great Britain more than will ſerve all the peculiar uſes and exigences of that part of the united Kingdom and much more when the trade and Conſumption ſhall encreaſe So there is no occaſion for applying ſuch additionall burthens in Scotland, and whatever comes of the Revenue from thence to the Treasury of Great Britain muſt be applyed directly to the payment of Engliſh debts or to other exigencies of the Government which leave so much more of the taxes of England free to be applyed for payment of Engliſh Debts.

5. As to that part of the said firſt conſideration bearing that if the equality of Taxes be put off till all the Engliſh debt be paid there would remain no hope that any now alive ſhall ſee trade upon an equall foot over the whole united Kingdom becauſe some duties are given for 99 yeares, others in perpetuity to the Crown.

Their Lordships say that there is no duty appropriated to the payment of any debts but with a proviſion of a Redemption within the space of a few yeares Except the firſt Nine pence on Ale and Beer which continues for 99 yeares And their Lordships do agree that the said Impoſition be excepted And that all the other Engliſh debts being paid Scotland ſhall become subject to the Survey of the Parliament of Great Britain as is expreſsed in the former propoſition, but then there will ſtill be an allowance due to Scotland for that debt.

6. As to the other burthens appropriated to debts their being a proviſion for Redemption Their Lordships do inſiſt that the said Debts may be redeemed according to the Proviſo before they be liable to the like duties appropriated to theſe debts or others then they now pay.

7. As to the inconveniencies propoſed by the inequality of Taxes and Inland burthens their Lordships say that the inequality proposed is but temporary till both Kingdoms be upon the same foot as to their debts which it's hoped may be accompliſhed in a few yeares and a temporary encouragement for raiſing of trade in Scotland is neceſsary and profitable to the whole Island.

As to the 2d Conſideration Their Lordships do not suppoſe that the Northern Counties in England have an eaſe of Exciſes upon home duties but do only mention the neareſt Counties as best known to Scotland that they may not at any time be overcharged.

As to the 3d Article bearing that if your Lordships should think expedient to exeem the home Conſumption of Scotland from any new Duties for some period of time till that Kingdom begin to reap the benefite of a free trade, then your Lordships would inſiſt that such Commodities as pay duties in England may be charged with the same when transported out of Scotland into England and upon some other Proviſions to prevent fraud in her Majesties Revenues.

Their Lordships say first that Immunities from further duties for a reaſonable period of time is abſolutely neceſsary for Scotland and there can be no period so juſt and so equall as the payment of English debts (excepting as above) 2ly when your Lordships shall be pleaſed to condeſcend what further proviſions will be requiſite to prevent frauds in her Majesties Revenues the Lords Commiſsioners for Scotland will be ready to give your Lordships just satisfaction therein.

As to the fourth Their Lordships say they did formerly agree to an equality of Impoſitions on Export and Import by the 2d of the Articles offered the 5th of December laſt, but they explained the same by the 5th Article then offered in such manner as that Scotland should either be free from Impoſitions appropriated for debts or that an equivalent should be allowed And your Lordships anſwer to that 5th Article did reſerve the conſideration of that equivalent till the Lords Commiſsioners for Scotland should offer what proportion of burthens they would bear But the Lords

Commiſsioners for Scotland do chiefly inſiſt for the improvement of fiſhing on the coaſt of Scotland which is one of the principall benefits that will ariſe to Great Britain from the intended Union and will principally tend to enrich the Engliſh Nation who have great Stocks of mony to carry on the same.

The great loſses alſo at Darien will for a long time discourage private persons in Scotland from raiſing amongſt themselves ſuch Sums as will be neceſsary for advancing ſo good a work, and that therefore a Sum ſhould be appropriated for encouraging fiſhing and linnen and other manufacture in Scotland.

As to the 5th Their Lordships say firſt That this point is altogether diſtinct from that of uniting the two Parliaments which will fall under a ſeparate conſideration and debate 2ly The Land Tax in Scotland ought not to be higher than formerly for the reaſons above aſsigned And further it is reaſonable and neceſsary that there be a continued fixed Rule which is very fairly propoſed as high as ever Scotland has been accuſtomed to becauſe a new Survey for ſtating of a Land tax will be grievous and burdenſom to the whole Landlords in Scotland In reguard that there may be inequality in the valuation there, and any advantage that could ariſe will never anſwer the trouble and inconveniency both to Scotland and England 3ly Whatever hath been offered for equality of Excises which may have some influence on trade Yet inequality in Land-taxes suppoſing there were any is of no conſequence at all in the matter of trade And the generall diſsatiſfaction and diſcouragement that would be given both in Scotland and England by ſuch an enquiry would far over ballance any advantage can be propoſed by the Survey.

Theſe Anſwers were taken into Conſideration by the Lords Commiſsioners for England till next meeting.

Adjourned to Wednesday the 27th inſtant.

Mercurij die 27 Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancelour	Arch Bishop of York
Marquis of Lothean	Lord Preſident
Earle of Leven	Lord Privy Seall
Viscount of Tarbat	Earle of Notingham
Viscount of Stair	Earle of Rochester
Viscount of Roſeberry	Earle of Scarborrough
Lord Boyle	Lord Chief Juſtice Trevor
Preſident of the Seſsion	Sir John Cook
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Cavers	
Mr Scrimgeor	

The Lord Preſident delivered to my Lord Duke of Queensberry a Duplicate of the laſt Commiſsion granted by her Majesty under the Great Seal of England Appointing seven of the Lords Commiſsioners for England to be a Quorum.

Then the Lord Preſident acquainted the Lords Commiſsioners for Scotland that their Lordships for England had conſidered the Anſwers given at the laſt meeting to the Conſiderations they had offered to their Lordships on their Articles, And that their Lordships of England were still of opinion that there ought to be an equality in payment of duties upon the home Conſumption and that it was proper to leave to the judgement of the respective Parliaments of both Kingdoms from what time the payment of the said duties should commence And that whatever should ariſe from the said duties within the Kingdom of Scotland should not goe to the payment of the debts of England.

The Duke of Queensberry moved that the propoſition made by the Lord Preſident should be reduced into writing, which was aſsented to.

Then the Lords Commiſsioners for Scotland withdrew to their own Chamber where they received from the Lords Commiſsioners for England by their Secretary the following Paper.

The Lords Commiſsioners for England inſiſt upon an equality in payment of duties upon the home Conſumption But when this payment shall commence is to be left to the respective Parliaments of both Kingdomes And they agree that whatsoever is raiſed shall not goe to the payment of the debts of England.

And what uſes thoſe taxes to be laid on in Scotland are to be applyed to shall be the ſubject of a further conſideration.

The Lords Commiſsioners for Scotland having conſidered this paper returned to the Councill Chamber where the Lord Duke of Queensberry on their Lordships part offered the following paper as containing their Lordships ſenſe of what was the reſult of their conference which was read in theſe words.

That neither Kingdom shall be burthened with the debts of the other contracted before the Union and that no duties on home Conſumption or Taxes to be levied from Scotland ſhall be applied to the payment of English Debts, and that a period of time be allowed to Scotland to reap the benefite of the free Communication of trade before that Kingdom be lyable to other or greater duties on home Conſumption or Inland taxes than theſe now on foot And that the determining the said period be referred to the respective Parliaments of both Kingdoms.

The Lord Preſident of the Councill moved that the adjuſting the difference between the two papers which he hoped might eaſily be done ſhould be delayed till next meeting it being ſo late that they could not proceed further.

The Lord Duke of Queenſberry offered on the part of the Lords Commiſsioners for Scotland the following propoſition and deſired their Lordships of England would conſider it againſt their next meeting.

By the Lords Commiſsioners for Scotland.

That the Priviledges in favours of the Company of Scotland trading to Affrica and the Indies by the 8 Act Parliament 1695 and 13th Act Parliament 1701 do continue and ſtand in full force and vigour in favors of the Proprietors of the ſaid Company after the Union of the two Kingdoms.

Adjourned till to morrow the 28th inſtant.

Die Jovis 28, Jan: 1703.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of York
Lord Chancelour	Lord Preſident
Marquis of Annandale	Lord Privy Seale
Duke of Argile	Lord Chamberlain
Marquis of Lothean	Earle of Burlington
Earle of Leven	Earle of Notingham
Viscount of Tarbat	Earle of Rochester
Viscount of Stair	Earle of Scarborrough
Lord Boyle	Sir John Cook
Preſident of the Seſsion	Charles Godolphin Esqr
Cavers	Samuel Clark Esqr
Sir James Smallet	Dr Waller
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	

The Lord Preſident on the part of the Lords Commiſsioners for England offered the following paper as their Lordships ſenſe of the Conference at the preceding meeting which was read as followes.

The Lords Commiſsioners for England agree that neither Kingdom ſhall be burthened with the debts of the other contracted before the Union And that no duties on home Conſumption or Taxes to be levied from Scotland ſhall be applyed to the

payment of Engliſh debts and whatever time may be fit to be allowed to Scotland to reap the benefite of the Communication of trade and enable them the better to pay duties on home Conſumption equall to England is most proper to be determined in the respective Parliaments of both Kingdoms.

Then his Lordship offered on the part of the Lords Commiſsioners for England an Anſwer to the Propoſition made at the laſt meeting by their Lordships of Scotland which was read as followes.

As to the laſt Propoſition delivered the 27th inſtant

Their Lordships say it has been found by experience that two Companies exiſting together in the same Kingdom and carrying on the same Traffick are deſtructive of trade and are therefore of opinion that to agree to this propoſition will be inconſiſtent with the Intereſt of Great Britain.

The Lords Commiſsioners for Scotland withdrew to conſider theſe papers and returning to the Councill Chamber My Lord Duke of Queenſberry acquainted their Lordships of England that the Lords Commiſsioners for Scotland had not yet conſidered their Lordships anſwer to their Propoſition about the Company, but that they had now prepared for their Lordships what they took to be their ſenſe of the paper they had received from their Lordships which was read as follows.

The Lords Commiſsioners for Scotland underſtand the paper given in by your Lordships in this ſenſe That neither Kingdom ſhall be burthened with the debts of the other contracted before the Union, and that no duties on home Conſumption or Taxes to be levied from Scotland ſhall be applied to the payment of Engliſh debts And that a time be allowed to Scotland to reap the benefite of the Communication of trade before that Kingdom become lyable to pay other or greater duties on home Conſumpt or Inland taxes than thoſe now on foot And that it is moſt proper to be determined by the respective Parliaments of both Kingdoms how long that time of exemption ſhall ſubſiſt.

This paper their Lordships of England took into conſideration againſt next meeting.

The Duke of Queenſberry moved that ſince they were ſo near agreeing on this matter which was only the firſt of the Articles offered on the 18th inſtant that they should proceed to the Conſideration of the other Articles.

And accordingly the ſecond of the said Articles was read and the Conſideration and Anſwers relative thereto, and spoke to by the Lords Commiſsioners on both ſides, but before coming to any reſolution their Lordships

Adjourned to the 30th inſtant.

Die Sabbati 30mo Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Lord Keeper
Lord Chancelour	Lord Preſident
Marquis of Annandale	Lord Privy Seale
Marquis of Lothean	Earle of Burlington
Earle of Leven	Earle of Notingham
Viscount of Stair	Earle of Rochester
Viscount of Roseberrie	Sir John Levison Gore
Lord Boyle	Sir John Cook
Preſident of the Seſsion	Charles Godolphin Esqr
Cavers	Dr Waller
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	

The Lord Preſident of the Councell on the part of the Lords Commiſsioners for England acquainted their Lordships of Scotland that they had drawn up an Article in reference to the matter what had been the subject of Conference at the two laſt meetings which he hoped would give their Lordships full satisfaction.

The ſaid Article was read and the Lords Commiſsioners for Scotland having withdrawn to conſider the same, and returning to the Councell Chamber,

My Lord Duke of Queensberry acquainted their Lordships of England that the Lords Commiſsioners for Scotland had agreed to the Article as given in by their Lordships underſtanding their Lordships ſenſe of the laſt Clauſe to be such as that it relates to the length of the time to be allowed to Scotland.

Ordered that the said Article be inſert in the Journalls of this day as agreed on between the Lords Commiſsioners of both Kingdoms.

Agreed by the Lords Commiſsioners for both Kingdoms that neither Kingdom shall be burthened with the Debts of the other contracted before the Union and that no duty on home Conſumption or Taxes to be levied from Scotland ſhall be applyed to the payment of Engliſh Debts And that some time is to be allowed to Scotland to reap the benefite of the Communication of trade and enable them the better to pay duties on home Conſumption equall to England But that it is moſt proper to be determined in the respective Parliaments of both Kingdoms.

Ordered that the Journalls of what has been tranſacted hitherto be made ready by the Secretaries to be read over at the Generall meeting.

Adjourned to Munday the 1st February.

Lunæ die 1mo Febr. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancelour	Lord Preſident
Marquis of Annandale	Earle Marſhall
Duke of Argile	Earle of Jerſey
Marquis of Lothean	Earle of Nottingham
Earle of Leven	Sir John Cook
Viscount of Tarbat	Dr Waller
Viscount of Stair	
Lord Boyle	
Preſident of the Seſsion	
Cavers	
Sir James Smallet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Scrimgeor	

The Lord Duke of Queensberry moved on the part of the Lords Commiſsioners for Scotland that the first of the propoſalls offered on the 18th January being adjuſted, they should proceed to the conſideration of the other Articles. Whereupon the second and ſubſequent Articles were read severally and spoke to by the Lords Commiſsioners on both ſides, but their Lordships came to no reſolution on any of theſe Articles.

The Duke of Queensberry acquainted the Lords Commiſsioners for England that their Lordships of Scotland having conſidered their Lordships Anſwer to their Propoſition of the 27th January about the Company trading to Affrica and the Indies, they did offer to their Lordships the following paper which was read and taken into conſideration by the Lords Commiſsioners for England and is as followes.

By the Lords Commiſsioners for Scotland.

1. Their Lordships do ſtill inſiſt for preſerving and ſecuring the Priviledges of the Scots Company trading to Affrica and the Indies Becauſe the Undertakers did on the publick faith of the Kingdom advance a ſtock of 200000 lb. or thereby And it is not unknown to your Lordships what part the generality of the Kingdom and alſo the Parliament of Scotland did take in the

discouragements and disappointments the said Company did receive As is fully expreſt in the Addreſs of the Parliament to the late King.

2. Their Lordships conceive that the Priviledges of the Scots Company may conſiſt with the Engliſh Eaſt India Company or any other Engliſh Company which are circumſcribed to the preſent limits of England And it is not propoſed that the priviledges of the Scots Company should be extended beyond the bounds of Scotland so the severall Companies do not interfeer.

3. If the exiſting of Companies for carrying on the same traffick do appear to your Lordships destructive of trade It is not expected that your Lordships will inſiſt that therfore the Priviledges of the Scots Company ſhould be abandoned without offering at the same time to purchaſe their right at the publick Expence.

Adjourned to Wednesday the 3d inſtant.

Mercurij die 3° Febr. 1703 Poſt meridiem.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of Canterburry
Lord Chancellor	Arch Bishop of York
Marquis of Annandale	Lord Treasurer
Marquis of Lothean	Lord Preſident
Earle of Leven	Duke of Marleborrough
Viscount of Tarbat	Lord Chamberlain
Viscount of Stair	Earle of Burlington
Viscount of Roſeberrie	Earle of Nottingham
Lord Boyle	Earle of Rocheſter
Preſident of the Seſsion	Earle of Scarborrough
Cavers	Sir Charles Hedges
Sir James Smallot	Sir John Cook
Sir Patrick Johnston	Robert Harley Esqr
Hugh Montgomrie Esqr	Charles Godolphin Esqr
John Scrimgeor Esqr	Samuel Clark Esqr
John Allardice Esqr	Dr Waller

The Lord Preſident on the part of England intimated to the Lords Commiſsioners for Scotland that a Letter being expected from her Majesty to adjourn the treaty for a time The Lords Commiſsioners for England had something to recommend to their Lordships Conſideration againſt the next Meeting, and that thereupon they had drawn up a Paper, which he moved might be read, which was done accordingly.

The Lords Commiſsioners for Scotland withdrew to conſider it, and returning within a little,

The Duke of Queensberry on their part acquainted their Lordships of England that they agreed to the ſaid Paper.

Ordered that the ſame be entered in the respective Books and Journalls of this day, as followes.

Since her Majeſty is pleaſed to Adjourn our Meeting there are some things so eſsentially neceſsary to compleat the Union of the two Kingdoms, that wee think our ſelves obliged to mention them before wee part That on both ſides wee may come the better prepared to ſettle them at our next meeting, ſuch are the Conſtitution of the Parliament, the Affairs of the Church, and the Municipall Lawes & Judicatures of Scotland for ſecurity of the Properties of the Subjects of that Kingdom.

Then her Majeſties Letter was read, there being one delivered by the Duke of Queensberry, and another by the Earle of Notingham, but both the same in tenour, as followes.

ANNE R.

Right truſty & right entirely beloved Couſins & Councellors, right truſty & welbeloved Cousins and Councellors, right truſty & welbeloved Councellors, and truſty and welbeloved Wee greet you well &c. Wee are extreamly pleaſed with the Accounts Wee have received from time to time of your proceedings in the Treaty of Union between our two Kingdoms And tho' there be some very important matters still remaining to be adjuſted (the conſideration whereof may require more time than our other weighty affaires will now allow) Yet the great progreſs you have already made beyond what has been done in any former Treaties gives us good hopes that at your next meeting this will be brought by your good endeavours to an happy conclusion To the end therefore that you may duly Conſider by your ſelves all such other things as may be neceſsary to compleat the Union, and that you may attend upon our other affaires in your reſpective ſtations where our Service requires you, Wee have thought fit to adjourn, and accordingly do adjourn your Meeting on this Treaty unto Munday the 4th of October next. Given at our Court at St James the 3d day of February 170⅔.

To the Commiſsioners appointed for treating an Union between our two Kingdoms.

Ordered That the Secretaries of the respective Commiſsions do sign each others Journall of the proceedings.

Adjourned to Munday the 4th October 1703.

By order of the Lords Commiſsioners of both Kingdomes

RO. PRINGLE. CHARLES DAVENANT.

PROCEEDINGS OF THE COMMISSIONERS APPOINTED TO TREAT FOR AN UNION BETWIXT THE KINGDOMS OF SCOTLAND AND ENGLAND.

XVI APRILIS—XXIII JULII M.DCC.VI.

COMMISSIO PRO UNIONE TRACTANDA INTER REGNA SCOTIÆ ET ANGLIÆ.

ANNA Dei Gratia Magnæ Britanniæ, Franciæ et Hiberniæ Regina Fideique Defensor &c. Omnibus probis hominibus, ad quos presentes Literæ noſtræ pervenerint Salutem Quandoquidem Nos Considerantes immense Commodum, omnibus noſtris Subditis per arctiorem et completiorem Unionem Regnorum noſtrorum Scotiæ et Angliæ oriundum, Cumque per actum Parliamenti dicti regni Angliæ, anno Domini millesimo septingentesimo quarto, iis personis vel tot vel tali eorundem numero, qui a nobis nominarentur, et quos nos in hunc effectum, pro *Quorum* (ut loquuntur) Statuerimus, plena authoritas et poteſtas conceſsa est, Conveniendi et Tractandi cum iis Commiſsionariis, authoritate acti Parliamenti Scotiæ muniendis, de tali Unione dictorum duorum Regnorum Scotiæ et Angliæ, aut circa quæcumque alia negotia causas et res quæ (debita deliberatione habita majoris partis dictorum Commiſsionariorum, ut prædicitur, congregatorum) una cum Commiſsionariis authoritate Parliamenti Scotiæ muniendis, dicti Commiſsionarii, noſtro honori, et mutuo bono utriusque Regni in perpetuum convenientia et neceſsaria in eorum prudentia judicabunt, Nosque etiam ex Regia noſtra affectione et cura ad promovendam felicitatem omnium noſtrorum Subditorum, tale insigne et bonum opus prosequi desiderantes et cupientes, Parliamento noſtro Scotiæ menſe Junii ultimo elapsi Commendavimus, ut cum dicto Regno noſtro Angliæ Tractatus inſtitueretur In cujus profecutione per quartum Actum Seſsionis Parliamenti ultimo elapsæ, Decretum, Statutum et Ordinatum est quod ii et quot eorum nobis viſum fuerit, sub magno ſigillo dicti antiqui noſtri Regni Scotiæ, constituere et nominare, plenam potestatem commiſsionem et authoritatem haberent, locis et temporibus a nobis deſignandis, Conveniendi ac Congregandi ac cum talibus Commiſsionariis authoritate Parliamenti Angliæ muniendis, Tractandi et Deliberandi, circa talem Unionem dictorum duorum Regnorum Scotiæ et Angliæ, et circa quæcunque alia negotia cauſas et res quæ (matura deliberatione habita majoris partis dictorum Commiſsionariorum, ut prædictur, congregatorum) una cum Commiſsionariis authoritate Parliamenti Angliæ muniendis, secundum tenorem eorum commiſsionum eatenus conceſsarum, dicti Commiſsionarii honori noſtro et utilitati et mutuo commodo dictorum noſtrorum Regnorum in perpetuum conducere judicabunt, Ac etiam quod dicti Commiſsionarii pro utroque regno, secundum tenorem suarum Commiſsionum respective, sua acta et gesta in eadem materia in tria diversa Scripta aut Instrumenta ſingulatim per ipsos aut eorum *Quorum* subscribenda et sigillanda Redigent et Digerent: In et ad hunc finem, ut unum dictorum Scriptorum vel Instrumentorum nobis, aliud dictorum Scriptorum vel Instrumentorum Parliamento Scotiæ et tertium dictorum Scriptorum aut Instrumentorum Parliamento Angliæ, proximis dictorum Parliamentorum Seſsionibus in utroque Regno respective tenendis, Exhibeantur; poſtquam dicta Scripta seu Instrumenta per dictos Commiſsionarios subscripta et sigillata fuerint, ut desuper Nos et dicta duo Parliamenta ultra procedamus, prout neceſsarium viſum fuerit pro Commodo et Bono utriusque Regni, Quibus Parliamentis integra Consideratio totius, ac in totum vel pro parte approbandi aut reprobandi, prout iis expediens videbitur, omnino reſervatur, Et per antedictum Actum providetur quod nulla materia aut res tractanda, proponenda, vel per dictos Commiſsionarios virtute prædicti Acti concludenda ullius erit vigoris ſeu effectus cujuscunque, donec prius authoritate, et acto Parliamenti Regni Scotiæ confirmata et stabilita fuerit, Et quod non licitum erit dictis Commiſsionariis, de alteratione Cultus Diſciplinæ aut Regiminis Eccleſiæ Scotticanæ ut nunc per Leges stabilita ſunt, ullo modo tractare, Cumque Nos satis expertæ specialem fidem et fiduciam Reponamus in fidelitate eximiis animi dotibus et prudentia perſonarum infraſcriptarum viz Jacobi Comitis de Seafield, ſummi noſtri Cancellarij dicti Regni, Jacobi Ducis de Queensberry secreti noſtri ſigilli Custodis, Joannis Comitis de Mar, et Hugonis Comitis de Loudoun noſtrorum principalium Status Secretariorum, Joannis Comitis de Sutherland, Jacobi Comitis de Morton, Davidis Comitis de Weyms, Davidis Comitis de Leven, Joannis Comitis de Stair, Archibaldi Comitis de Roſeberry, Davidis Comitis de Glasgow noſtri Theſaurarii deputati, Domini Archibaldi Campbell Fratris Germani Ducis de Argyle, Thomæ Vicecomitis de Duplin, Gulielmi Domini de Roſs unius Commiſsionariorum noſtri Theſaurarii, Domini Hugonis Dalrymple Collegii nostri Justiciæ Præsidis, Adami Cockburn de Ormeſtoun noſtri Juſticiarii Clerici, Domini Roberti Dundaſs de Arneston et Magistri Roberti Stewart de Tillicultrie Senatorum Collegii Justiciæ, Magistri Franciſci Montgomery unius Commiſsionariorum noſtri Theſaurarii, Domini Davidis Dalrymple unius noſtrorum Solicitatorum, Domini Alexandri Ogilvie de Forglan Generalis noſtri Receptoris, Domini Patricii Johnston præpoſiti Edinburgenſis, Domini Jacobi Smallet de Bonhill, Georgii Lockhart de Carnwath, Gulielmi Morriſon de Prestongrange, Alexandri Grant de eodem junioris, Gulielmi Seton de Pitmedden junioris, Joannis Clarke de Pennycook junioris, Hugonis Montgomery nuper Præpoſiti Glasguenſis, Danielis Stewart Fratris Germani Baronis de Castlemilk, et Danielis Campbell de Arntennet Noveritis igitur Nos Nominaſse, Conſtituiſse et Ordinaſse Sicuti Nos tenore preſentium, Nominamus, Conſtituimus et Ordinamus, memoratas perſonas Commiſsionarios pro dicto Regno Scotiæ ad effectum prædictum Dando et Concedendo illis vel eorum novem, quos pro *Quorum* (ut loquuntur) ſtatuimus, plenam Potestatem, Commiſsionem et Authoritatem Congregandi et Conveniendi, cum talibus Commiſsionariis authoritate Parliamenti Angliæ muniendis, vel eorum ſufficiente numero (vulgo *Quorum*) apud Civitatem noſtram de Westminster decimo sexto die Menſis Aprilis proxime sequentis, et tempore et loco prædicto Tractandi circa Unionem dictorum Regnorum Scotiæ et Angliæ, et circa quæcun-

que alia negotia cauſas et res, quæ (matura deliberatione habita majoris partis dictorum Commiſsionariorum, ut prædicitur, congregatorum) una cum Commiſsionariis authoritate Parliamenti Angliæ muniendis, secundum tenorem eorum Commiſsionum in hunc effectum dicti Commiſsionarii, honori noſtro, et commodo et mutuo bono utriusque Regni in perpetuum neceſsaria et convenientia judicabunt, cum Poteſtate dictis Commiſsionariis et eorum sufficienti numero (vulgo *Quorum* ut loquuntur) de tempore in tempus, cum aut absque continuatione Congregandi et Conveniendi et in omnibus quibuscunque rebus per preſentes vel dictum Actum Parliamenti, eorum curæ concreditis et commiſsis secundum eorum officium et judicium procedendi, Mandando et Requirendo prædictos Commiſsionarios curam adhibere, ut omnia ſua acta et gesta in præmiſsis, in tria diverſa Scripta aut Instrumenta debite rediganter et digerantur per eos subſcribenda, sigillanda et præparanda Ita ut Nobis et Parliamentis utriusque Regni Exhibeantur, modo per dictum Actum ſtatuto et requiſito Declarando omni modo per preſentes, Quod licitum non erit dictis Commiſsionariis de alteratione Cultus Diſciplinæ aut Regiminis Eccleſiæ Scoticanæ ut nunc per Leges ſtabilita sunt ullo modo Tractare, Ac etiam declarando nulla negotia aut res tractanda, proponenda, aut per dictos Commiſsionarios virtute preſentis Commiſsionis concludenda, ullius fore vigoris ſeu effectus cujuscunque donec prius authoritate et acto Parliamenti dicti antiqui Regni Scotiæ confirmata et ſtabilita fuerint: Reſervando Nobis plenam potestatem et authoritatem continuandi preſentes Commiſsionarios ad quemvis locum, et quoties nobis viſum fuerit, per Scriptum noſtra Regali manu ſignatum aut Epiſtolam iis directam, non obſtante potestate seipsos continuandi talibus temporibus et ad tales locos ut ipſis viſum fuerit per preſentes iis conceſsa In cujus rei Testimonium presentibus magnum ſigillum noſtrum appendi præcepimus Apud Aulam noſtram de Kensington vigeſimo septimo die menſis Februarii anno Domini Milleſimo Septingenteſimo Sexto, et Anno Regni Noſtri Quarto.

Per ſignaturam manu S. D. N. Reginæ supraſcriptam.

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COMMISSION TO TREAT FOR AN UNION.

ANNE By the Grace of God of England Scotland France and Ireland Queen Defender of the Faith &c. To the most Reverend father in God Thomas Arch Bishop of Canterburry, Our Right Trusty and well beloved Councilor William Cooper Esqr Our Keeper of our Great Seal of England, The most Reverend Father in God John Arch Bishop of York, Our Right Trusty and well beloved Councellor Sidney Lord Godolphin, Our High Treaſurer of England, Our Right Trusty and Right well beloved Cousin and Councellor Thomas Earle of Pembroke and Montgomery Our Preſident of our Council, Our Right Truſty and Right entirely beloved Cousins and Councellors John Duke of Newcastle Our Keeper of Our Privy Seal, William Duke of Devonshire Our Steward of Our Household, Charles Duke of Somerset Our Master of Our Horſe, and Charles Duke of Bolton, Our Right Trusty and Right well beloved Cousins Charles Earl of Sunderland, and Evelin Earl of Kingston, Our Right Truſty and Right well beloved Cousin and Councellor Charles Earle of Carliſle, Our Right Truſty & Right well beloved Cousin Edward Earl of Orford, Our Right Truſty and well beloved Cousin Charles Viſcount Townsend, Our Right Trusty and well beloved Councellor Thomas Lord Wharton, Our Right Trusty and well beloved Ralph Lord Grey, Our Right Trusty and well beloved Councellor John Lord Powlett, Our Right Trusty and well beloved John Lord Sommers and Charles Lord Halliſax, Our Right Trusty and well beloved Councellor John Smith Esqr, Our Right Trusty and well beloved William Cavendish Esqr commonly called Marques of Hartington, John Manners Esqr commonly called Marquis of Granby, Our Right Trusty and well beloved Councellor Sir Charles Hedges Knight and Robert Harley Esqr Our Principal Secretarys of State Henry Boyle Esqr Chancellor and under Treaſurer of our Exchequer Sir John Holt Knight Chief Juſtice of our Court of Queen's Bench Sir Thomas Trevor Knight Chief Juſtice of our Court of Common Pleas, Sir Edward Northey Knight Our Attorney General, Sir Symon Harcourt Knight Our Solicitor General, Sir John Cooke Knight Doctor of Laws Our Advocate Generall and Stephen Waller Doctor of Laws Greeting Whereas the Kingdoms of England and Scotland were first united in allegiance and loyall subjection in the person of our Royal Great Grandfather King James the First, since which happy conjunction it hath been very much endeavoured that a nearer and more compleat Union might be settled between both Kingdoms, and some progreſs towards the attainment thereof was made, not only in the time of our said late Royall Great Grandfather, but alſo in the time of our late Royall Uncle King Charles the Second, And Whereas We out of our Princely Zeal and Care for the wellfare and happineſs of our subjects being alſo desirous of a nearer and more compleat Union between our two said Kingdoms of England and Scotland, did Recommend to our Parliament of England from the Throne, to Conſider of proper Methods for obtaining the same And whereas in our Parliament held at Westminster the 3^{d} and fourth years of our Reign, An Act paſs'd Intituled An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts paſs'd in the Kingdom of Scotland In and by which Act of Parliament it was Enacted that such persons as should be nominated by Us under our Great Seal of England or such and so many of them as should in that behalf be appointed by Us to be of the Quorum, should by force of the same Act have full Power, Commiſsion and Authority, at such time and times and in such place or places as we should please to appoint, to aſsemble & meet, and thereupon to treat and conſult, according to the tenor, or purport of their Authority or Commiſsion in that behalf, with certain Commiſsioners as should be authorized by Authority of the Parliament of Scotland, of, and concerning such an Union of the said Kingdoms of England and Scotland, and of and concerning such other matters, clauses and things, as upon mature deliberation of the greateſt part of the ſaid Commiſsioners aſsembled as aforeſaid, and the Commiſsioners to be authoriz'd by the Parliament of Scotland, according to the tenor, or purport of their Commiſsion in that behalf, should in their wisdoms think convenient and neceſsary for our honour and the common good of both our said Kingdoms for ever, And that the Commiſsioners of both our ſaid Kingdoms should according to the tenor or purport of their said Authority and Commiſsions in that behalf, reduce their doings and proceedings therein into Writings or Instruments quadrupartite, every part to be subſcrib'd and seal'd by them, to the end that one part thereof may in all humbleneſs, be presented to us, two other parts thereof to be offered to the consideration of the Parliament for the Realm of England, and another part thereof to be offered to the consideration of the Parliament for the Realm of Scotland at their next Seſsions which should be held in each Kingdom respectively after ſuch writings or instruments should be subſcrib'd & seal'd by the ſaid Commiſsioners, That thereupon such further proceedings might be had, as We, and both the ſaid Parliaments should think fit and neceſsary for the well and common good of both the said Kingdoms, to whom the entire conſideration of the whole, and the allowing, or disallowing of the whole, or any part thereof as they shall think fit is wholly reſerv'd, as in and by the ſaid Act, relation being thereunto had may more at large appear And whereas in the fourth year of our Reign, an Act was made and paſs'd in our Parliament of our Kingdom of Scotland for enabling us to appoint Commiſsioners to treat with Commiſsioners for our Kingdom of England of and concerning an Union of the said Kingdoms Now Know Ye That We reposing especiall trust and confidence in your fidelity, ability, prudence, industry, dilligence & circumspection, have Nominated, Constituted and Appointed, and by these presents do

Nominate Constitute and Appoint you the said Thomas Arch Biſhop of Canterbury, William Cooper, John Arch Biſhop of York, Sidney Lord Godolphin, Thomas Earle of Pembroke and Montgomery, John Duke of Newcastle, William Duke of Devonshire, Charles Duke of Somerset, Charles Duke of Bolton, Charles Earl of Sunderland, Evelin Earl of Kingston, Charles Earl of Carlisle, Edward Earl of Orford, Charles Viſcount Townsend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powlett, John Lord Sommers, Charles Lord Hallifax, John Smith, William Marquis of Hartington, John Marquis of Granby, Sir Charles Hedges, Robert Harley, Henry Boyle, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Symon Harcourt, Sir John Cook and Stephen Waller, to be Commiſsioners for the Kingdom of England in this behalf Giveing unto you and any seven or more of you full power and authority to aſsemble and meet with the Commiſsioners authoriz'd or to be authoriz'd by us purſuant to the said Act made in our Parliament of Scotland, or so many of them, as ſhall be a Quorum at our Council Chamber at the Cockpit Whitehall upon Tuesday the 16th day of April instant And then and there to Treat and Conſult with them, of and concerning ſuch an Union of the said Kingdoms of England and Scotland, and of and concerning such other matters clauſes & things as you & the Commiſsioners authoriz'd or to be authoriz'd as aforeſaid, or the major part of you and them aſsembled, shall upon mature deliberation think convenient and neceſsary for our honour and the common good of both our said Kingdoms for ever, and from time to time, with, or without adjournments to aſsemble and meet at the place aforesaid, or at such other place, or places, as the major part of you and them aſsembled shall think fit, and to proceed, in all and every the matters herein before mentioned committed to your care, according to your best discretions, and you are to take care that all your doings and proceedings in and about the premiſses, with the Commiſsioners authoriz'd or to be authoriz'd as aforesaid, be reduced into Writings, or Instruments quadrupartite and that every part thereof be subscrib'd and seal'd by you & them and be presented unto Us and the Parliaments of both Kingdoms in such manner and form as in and by the said Act first mentioned is enjoyn'd and required In Witneſse whereof We have cauſed theſe our Letters to be made Patents Witneſse our Self at Westminster the 10th day of April in the fifth year of our Reign.

Per Breve de privato sigillo, Wright.

PROCEEDINGS OF THE COMMISSIONERS.

At the Council Chamber in the Cockpit
Tuesday the 16th April 1706.

IN purſuance of her Majestys Commiſsions, under her respective Great Seals of Scotland and England, The Lords Commiſsioners of both Kingdoms for the Treaty of Union met at the Council Chamber in the Cockpit

PRESENT

Scot.	Engl.
Earl of Seafield Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord High Treaſurer
Earl of Mar	Lord President
Earl of Loudoun	Lord Privy Seal
Earl of Sutherland	Duke of Somerset
Earl of Weemyſs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roſeberry	Earl of Orford
Lord Archibald Campbell	Lord Viſcount Townsend
Lord Viſcount Duplin	Lord Wharton
Lord Roſs	Lord Grey
Lord Preſident of Seſsion	Lord Powlett
Lord Justice Clerk	Lord Sommers
Mr Francis Montgomery	Marques of Hartington
Sir Alexander Ogilvie	Sir Charles Hedges } Secretarys
Sir Patrick Johnston	Mr Harley } of State
Sir James Smallet	Mr Boyle
George Lockhart of Carnwath	Lord Chief Justice Holt
William Seton of Pitmedden	Lord Chief Justice Trevor
John Clarke	Mr Attorney General
Daniel Stewart	Mr Solicitor General
Daniel Campbell	Sir John Cook
	Doctor Waller

After the Lords Commiſsioners for both Kingdoms had taken their places the Commiſsions were opened and read by the respective Secretarys.

The Lord Keeper of the Great Seal of England addreſsing himself to the Lords Commiſsioners for Scotland spoke in these words

My Lords

We the Commiſsioners appointed by her Majesty and authoriz'd by the Parliament of England to Consult and Treat with your Lordships as impowered in like manner by her Majesty and the Parliament of Scotland concerning an Union of the two Kingdoms, and such other things as wee the Commiſsioners on both parts shall think convenient and neceſsary for the honour of her Majesty and the Common good of both Kingdoms, do apprehend there never was (in any aſsembly of this nature) so little occaſion as at preſent for the Commiſsioners of England to give any verbal aſsureances of their zeal, to promote and compleat, (so far as in their power) the great and good design we are met about, since it cannot be doubted, but that we bring along with us the same ſentiments which so lately appeared in the Parliament of England when they took care to manifest by a solemn Act that they did poſtpone all other conſiderations to their evidencing a good and friendly diſpoſition towards the Kingdom of Scotland.

The Parliament of England in making that unexpected advance seem'd resolv'd if poſsible, to attain that Union which hath been so long thought neceſsary by all that wish well to the proſperity of both Nations.

And we most sincerely aſsure your Lordships That wee accordingly meet your Lordships, with hearts fully resolv'd to uſe our utmoſt endeavours to remove all difficultys in this Treaty, to prevent all misunderstandings, to cherish and improve the good diſpoſitions to one another we meet with, to have the general and joint good of both Kingdoms solely in our view, and not the seperate of either, but to act as if we were already united in interest, and had nothing left to conſider but what settlements and provisions are most likely to conduce to the common safety and happineſs of this whole Island of Great Britain.

Which meaſures if pursued on both parts, wee hope may enable us to prepare such Terms of Union, as may prove satisfactory to her Majesty and the Parliaments of both Kingdoms.

And the Earl of Seafield Lord High Chancellor of Scotland, on the part of the Lords Commiſsioners for Scotland spoke as followeth

My Lords

The Lords Commiſsioners for Scotland have deſired me to aſsure your Lordships, that they meet you on this Occaſion with great willingneſs and satisfaction to Treate of an Union between the two Kingdoms, and of such other matters and concerns as may be for her Majestys honour and the maintaining a good understanding between the two Nations.

We are Convinced that an Union will be of a great advantage to both; the Protestant Religion will be thereby the more firmly secured, the designs of our Enemys effectually disappointed, and the Riches and Trade of the whole Island advanced.

This Union has been often endeavoured both before and since the Kingdoms were united in allegiance under one Soveraigne

and several Treaties have been set on foot for that end, tho' without the desired succefs, but now we are hopefull that this shall be the happy opportunity of accomplishing it, Her Majesty hath frequently signify'd her good inclinations towards it, and we are the more encouraged to expect succefs in this Treaty by the good dispofition appeared in the Parliament of Scotland for it, and by the friendly proceedings in the last Sefsion of the Parliament of England, which gave general satisfaction.

Wee have great Confidence in your Lordships good intentions & we shall be ready on our parts to enter into such meafures with you, as may bring the Treaty to such a conclufion as may be acceptable to her Majesty & to the Parliaments of both Kingdoms.

Ordered that Copies of the two Commifsions be prepared and sign'd by the respective Secretaries and interchang'd against the next Meeting.

Adjourn'd to Munday next the 22^{d} instant 6 a Clock in the evening.

Munday the 22^{d} April 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treafurer
Earl of Loudoun	Lord President of the Council
Earl of Sutherland	Lord Privy Seal
Earl of Morton	Duke of Devonshire
Earl of Weemyfs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Rofeberry	Earl of Orford
Lord Vifcount Duplin	Lord Vifcount Townsend
Lord Rofs	Lord Wharton
Lord Prefident of Sefsion	Lord Grey
Lord Juftice Clerk	Lord Powlett
Lord Archibald Campbell	Lord Sommers
Mr Francis Montgomery	Speaker of the House of Commons
Sir David Dalrymple	Marquis of Hartington
Sir Alexander Ogilvie	Marquis of Granby
Sir Patrick Johnston	Sir Charles Hedges
Sir James Smallet	Robert Harley
George Lockhart	Henry Boyle
John Clarke	Sir John Holt
Daniel Stewart	Sir Thomas Trevor
Daniel Campbell	Sir Edward Northey
William Seton	Sir Symon Harcourt
	Sir John Cook
	Dr Waller

The Lord Keeper in name of the Lords Commifsioners for England delivered to the Board, Articles of Preliminaries which were read as followeth

1° That all Propofals made by either side be made in writing & every point agreed on shall be reduced into writing.

2° That no point tho' agreed on, and reduced into writing shall be obligatory on either side, till all matters be adjusted in such manner as will be proper to be laid before the Queen and the two Parliaments for their approbation.

3° That there be a Committee appointed consifting of a certain number of each Commifsion, to revife the Minutes of what paffes which are not to be inserted by the Secretaries in their respective books, but by order of the said Committee, having first made report thereof to the respective Commifsioners and received their approbation of the same.

4° That all the proceedings of the Commifsioners of both Kingdoms during the Treaty be kept secret.

The Lord Keeper also deliver'd to the Board the following Propofal which was read.

That the two Kingdoms of England and Scotland be for ever United into one Kingdom by the name of Great Britain That the United Kingdom of Great Britain be repref ented by one and the same Parliament, And that the Succefsion to the Monarchy of the United Kingdom of Great Britain in cafe of failure of heirs of her Majesty's body, be according to the limitations mentioned in an Act of Parliament made in England in the 12th and 13th year of the Reign of the late King William intituled an Act for the further limitation of the Crown and the better securing the rights & liberties of the subjects.

Adjourn'd to Wednesday the 24th instant 5 in the evening.

Wednesday the 24th April 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treafurer
Earl of Loudoun	Lord President
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Somersett
Earl of Weemyfs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Orford
Earl of Rofeberry	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Rofs	Lord Grey
Lord Prefident of Sefsion	Lord Powlett
Lord Justice Clerk	Lord Sommers
Mr Francis Montgomery	Speaker of the Commons
Sir David Dalrymple	Sir Charles Hedges
Sir Alexander Ogilvie	Robert Harley
Sir Patrick Johnfton	Henry Boyle
Sir James Smollet	Sir Thomas Trevor
George Lockhart	Attorney General
William Seton	Solicitor General
John Clark	Sir John Cook
Daniel Stewart	Doctor Waller
Daniel Campbell	

The Lord Chancellor of Scotland acquainted the Board, That the Lords Commifsioners for Scotland do agree to the Prælimi-nary Articles propofed by the Lords Commifsioners for England at the last meeting for regulating the methods of proceedings in this Treaty.

The following propofals were also delivered to the Board by the Lord Chancellor of Scotland, and were read.

1° That the Succefsion to the Crown of Scotland, in cafe of failure of heirs of her Majestys Body, shall be established upon the same persons mentioned in an Act of Parliament made in England in the 12th and 13th year of the Reign of the late King William intituled an Act for the further limitation of the Crown and the better securing of the Rights and Liberties of the Subjects.

2° That the Subjects of Scotland shall for ever enjoy all Rights and Priviledges as natives of England in England and the Dominions thereunto belonging, and reciprocally that the Subjects of England shall enjoy the like Rights & Priviledges in Scotland.

3° That there be free Communication and Intercourse of Trade and Navigation between the two Kingdoms and Plantations thereunto belonging, under such Regulations as in the Progrefs of this Treaty shall be found moft for the advantage of both Kingdoms.

4° That all Laws and Statutes in either Kingdom contrary to the terms of this Union be repealed.

The Lords Commifsioners for England withdrew, and being return'd, The Lord Keeper in their Lordships names delivered to the Board the following Answer which was read.

The Lords Commifsioners for England are so fully convinced that nothing but an entire Union of the two Kingdoms will settle

perfect and lasting friendship between them, that they therefore think fit to decline entering into any further conſideration of the Propoſal now made by the Lords Commiſsioners for Scotland, as not tending to that end, and deſire that the Lords Commiſsioners for Scotland would be pleaſed to give in their Anſwer to the Propoſal delivered on Munday the 22d instant by the Lords Commiſsioners for England, in order to an entire Union of both Kingdoms.

Adjourn'd to Thursday the 25 instant 5 in the evening.

Thursday the 25th April 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Lord Preſident
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Somerset
Earl of Weemyſs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Orford
Earl of Roſeberry	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Viſcount Duplin	Lord Grey
Lord Roſs	Lord Powlett
Lord Preſident of Seſsion	Lord Sommers
Lord Juſtice Clerk	Secretary Harley
Mr Francis Montgomery	Henry Boyle Chancellor of Exchequer
Sir David Dalrymple	
Sir Alexander Ogilvie	Sir John Holt
Sir Patrick Johnston	Sir Thomas Trevor
Sir James Smollet	Attorney General
George Lockhart	Solicitor General
William Seton	Sir John Cook
John Clarke	Doctor Waller
Daniel Stewart	

The Lord Chancellor in the name of the Lords Commiſsioners for Scotland, delivered to the Board an Anſwer to the Propoſal made on the 22d instant by the Lords Commiſsioners for England with a Proviſion therein mentioned which was read.

The Lords Commiſsioners for Scotland have Considered the Propoſal given in to them by the Lords Commiſsioners for England on Munday the 22d instant And do agree that the two Kingdoms of Scotland and England be for ever United into one Kingdom by the name of Great Britain, That the United Kingdom of Great Britain be Repreſented by one and the same Parliament, and that the Succeſsion to the Monarchy of the Kingdom of Great Britain (in caſe of failure of heirs of her Majestys body) shall descend upon the most Excellent Princeſs Sophia Electoreſs and Dutches Dowager of Hannover, and remain to her and the heirs of her body being Protestants, to whom the Succeſsion to the Crown of England is provided by an Act made in the 12th and 13th year of the reign of the late King William intituled An Act for the further limitation of the Crown & better securing the Rights & Liberties of the Subjects, and Excluding all Papists & who shall marry Papiſts in the terms of the said Act, With this Proviſion That all the Subjects of the United Kingdom of Great Britain shall have full freedom and intercourſe of Trade and Navigation, to and from any Port or Place within the said United Kingdom and Plantations thereunto belonging, and there be a Communication of all other Priviledges and Advantages, which do, or may belong to the Subjects of either Kingdom.

The Lords Commiſsioners for England withdrew and being return'd the Lord Keeper did in the name of the Lords Commiſsioners for England deliver to the Board the following Reply which was read.

The Lords Commiſsioners for England are of opinion That the Proviſion added by the Lords Commiſsioners for Scotland to the Propoſal made by the Lords Commiſsioners for England upon the 22d instant is a neceſsary consequence for an entire Union And therefore their Lordships do agree to the said Proviſion under such terms as in the further Progreſs of this Treaty shall be found to be for the common advantage of both Kingdoms.

A Committee was appointed in purſuance of the third Article of Præliminaries for reviſing the Minuts and there was nominated on the part of

Scotl.	Engl.
Earl of Sutherland	Lord Grey
Earl of Leven	John Smith Esqr Speaker of the Commons
Lord Preſident of Seſsion	Sir Thomas Trevor
Lord Justice Clark	Sir John Cook
John Clark of Pennycook	Doctor Waller
or any three of them	or any three of them

Adjourn'd to Munday the 29th instant 5 in the evening

Munday April the 29th 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Duke of Newcastle
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingston
Lord Duplin	Earl of Orford
Lord Roſs	Lord Townsend
Lord Preſident of Seſsion	Lord Wharton
Lord Juſtice Clerk	Lord Grey
Mr Francis Montgomery	Lord Powlett
Sir David Dalrymple	Lord Sommers
Sir Alexander Ogilvie	Speaker of the Houſe of Commons
Sir Patrick Johnston	Marquis of Hartington
Sir James Smallet	Marquis of Granby
George Lockhart of Carnwath	Secretary Hedges
William Seton of Pitmedden	Secretary Harley
John Clark of Pennycook	Chancellor of the Exchequer
Daniel Stewart	Lord Chief Juſtice Holt
Daniel Campbell	Attorney General
	Solicitor General
	Sir John Cook
	Doctor Waller

The Lord Keeper in the name of the Lords Commiſsioners for England deliver'd to the Board the following Propoſal which was read.

That there be the same Customs, Exciſes, and all other Taxes, and the same Prohibitions, Restrictions and Regulations of Trade throughout the United Kingdom of Great Britain.

The Lords Commiſsioners for Scotland withdrew and being return'd the Lord Chancellor in their Lordships names delivered to the Board the following Anſwer which was read.

The Propoſal given in by your Lordships contains so many particulars that the Lords Commiſsioners for Scotland do Propoſe before they offer any Anſwer to it, That there be a Committee appointed of an equal number of each side to adjust the several points therein, and desire that your Lordships will order an Account of the Taxes and other things in your Propoſal to be laid before the said Committee, as the Lords Commiſsioners for Scotland shall be ready to do on their parts.

The Lords Commiſsioners for England withdrew and being return'd the Lord Keeper in their Lordships names delivered to the Board the following Reply which was read.

The Lords Commiſsioners for England have desired a ſtate of the Taxes and other things in their last Propoſal mentioned to be laid before them, in order to refer the same to the Consideration of a Committee to consist of an equal number of each side which their Lordships Propoſe to be the number of eleven on each part, and of them any six to have power to proceed in the matters referred to them.

The Lords Commiſsioners for Scotland agreed to appoint a Committee to consist of eleven of each side and of them any six to have power to proceed, and that they should be nominated next meeting.

Adjourn'd to the 1st of May 1706, 6 in the evening.

Wednesday the 1st of May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somersett
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingston
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townsend
Lord Roſs	Lord Wharton
Lord Preſident of Seſsion	Lord Grey
Lord Justice Clerk	Lord Sommers
Mr Francis Montgomery	Speaker of the Houſe of Commons
Sir David Dalrymple	Marquis of Hartington
Sir Alexander Ogilvie	Marquis of Granby
Sir Patrick Johnston	Mr Secretary Hedges
Sir James Smallet	Mr Secretary Harley
George Lockhart	Henry Boyle Esqr
William Seton	Lord Chief Juſtice Trevor
John Clark	Mr Attorney General
Daniel Campbell	Mr Solicitor General
	Sir John Cook
	Dr Waller

The Lords Commiſsioners for both Kingdoms proceeded to nominate the Committee agreed on the 29th ultº, to consider matters to be to them referr'd, And the Lords Commiſsioners following were nominated to be the said Committee.

On the part of

Scotl.	Engl.
Lord Chancellor	Duke of Somerset
Duke of Queensberry	Duke of Bolton
Earl of Mar	Earl of Sunderland
Earl of Loudoun	Lord Townsend
Earl of Sutherland	Lord Wharton
Earl of Leven	Lord Sommers
Earl of Stair	Speaker of the Commons
Lord Duplin	Marquis of Hartington
Lord Preſident of Seſsion	Mr Secretary Harley
Lord Justice Clerk	Henry Boyle Esqr
Sir Patrick Johnston	Sir Symon Harcourt

Agreed the above nam'd Committee meet to morrow morning Ten a Clock, and that they have power to adjourn themselves.

Adjourned to Friday the 3d instant.

Friday the 3d May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Weemyſs	Earl of Kingston
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Roſeberry	Lord Wharton
Earl of Glasgow	Lord Grey
Lord Duplin	Lord Sommers
Lord Roſs	Speaker of the Houſe of Commons
Lord Preſident of Seſsion	Marquis of Hartington
Lord Juſtice Clerk	Marquis of Granby
Mr Francis Montgomery	Mr Secretary Hedges
Sir David Dalrymple	Mr Secretary Harley
Sir Alexander Ogilvie	[Henry] Boyle Esqr
Sir Patrick Johnston	Lord Chief Juſtice Trevor
Sir James Smollet	Mr Solicitor General
George Lockhart	Sir John Cook
William Morriſon	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treaſurer of England acquainted the Board that he was directed by the Lords Commiſsioners for England to let their Lordships know that the Account of the Revenues and Debts of England desir'd the 29th past to be laid before the Board had been prepared but were not drawn in such a manner as would fully answer the end for which they were propoſ'd, for which reaſon they were directed to be drawn in another method; and hop'd they would be got ready to lay before the Board next Munday.

Adjourn'd to Munday the 6th instant.

Munday the 6th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carliſle
Earl of Glasgow	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Grey
Lord Roſs	Marquis of Hartington
Lord Preſident of Seſsion	Marquis of Granby
Lord Juſtice Clerk	Mr Secretary Hedges
Mr Francis Montgomery	Mr Secretary Harley
Sir David Dalrymple	Henry Boyle Esqr
Sir Alexander Ogilvie	Mr Attorney General
Sir Patrick Johnston	Mr Solicitor General
Sir James Smallet	Doctor Waller
George Lockhart	

William Morrifon
William Seton
John Clark
Daniel Stewart
Daniel Campbell

The Lord Keeper acquainted the Board that the Lords Commifsioners for England had delivered to their Secretary, a State of the Revenues and Income of England, and also of the Debts of the said Kingdom which were to be laid before the Lords of the Committee of both Kingdoms at their next meeting.

Adjourn'd to Thursday the 9th instant.

Thursday the 9th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treafurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Weemyfs	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Rofeberry	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townsend
Lord Rofs	Lord Wharton
Lord Prefident of Sefsion	Lord Grey
Lord Juftice Clerk	Lord Sommers
Mr Francis Montgomery	Speaker of the Houfe of Commons
Sir David Dalrymple	Marquis of Hartington
Sir Alexander Ogilvie	Marquis of Granby
Sir Patrick Johnston	Mr Secretary Hedges
Sir James Smallet	Mr Secretary Harley
George Lockhart	Henry Boyle Esqr
William Morrifon	Lord Chief Juftice Trevor
Alexander Grant	Mr Attorney General
William Seton	Mr [Solicitor] General
John Clark	Sir John Cook
Daniel Stewart	Doctor Waller
Daniel Campbell	

The Lord Chancellor acquainted the Board that the Lords Commifsioners for Scotland had delivered to their Secretary an Account of the Revenue in Scotland, and the fum about which the Debts of that Kingdom would amount to, to be laid before the Lords of the Committee of both Kingdoms.

The Lord Chancellor in the name of the Lords Commifsioners for Scotland deliver'd to the Board, an Anfwer to the Propofal made by the Lords Commifsioners for England on the 29th April which was read.

The Lords Commifsioners for Scotland do agree That all parts of the United Kingdom of Great Britain be under the same Regulations Prohibitions & Restrictions, and liable to equal Impositions & Duties for Export and Import, but in regard several of the Funds relating to the Customs are already appropriated for the payment of Debts properly belonging to England It's propof'd that an Equivalent be allowed for them.

The Lords Commifsioners for Scotland do also agree that all the Subjects of the United Kingdom shall be lyable to equal Land Taxes or Taxes upon the Pound Rent providing the Proportion for Scotland shall only be £12000, when one Shilling is Impos'd on the Pound Rent on England, so that 48000 li. in Scotland shall be reckon'd equal to the 4sh. Aid now Impof'd on England, and so proportionable, and to be raif'd in the same manner now ufed in Scotland, and free of all Charges.

The privat Rights of Corporations and Companies are Referv'd to be considered in the course of this Treaty.

The Lord Chancellor in the name of the Lords Commifsioners for Scotland deliver'd also to the Board the following Propofal which was read.

The Lords Commifsioners for Scotland do Propofe that neither of the Kingdoms be burthen'd with the Debts of the other contracted before the Union.

Adjourn'd to Friday the 10th instant 5 in the evening.

Friday the 10th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Duke of Newcastle
Earl of Loudoun	Duke of Somerset
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyfs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Rofeberry	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Duplin	Lord Grey
Lord Rofs	Lord Sommers
Lord Prefident of Sefsion	Speaker of the Houfe of Commons
Lord Justice Clerk	Marquis of Granby
Mr Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Sir John Holt
Sir Patrick Johnston	Sir Thomas Trevor
Sir James Smallet	Attorney General
George Lockhart	Solicitor General
William Morrifon	Sir John Cook
Alexander Grant	Dr Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in the name of the Lords Commifsioners for England Deliver'd to the Board a Reply to the Anfwer made on the 9th instant by the Lords Commifsioners for Scotland to their Lordships Proposal on the 29th April last which was read.

The Lords Commifsioners for England observing That in the Anfwer made by the Lords Commifsioners for Scotland the 9th instant to their Lordships Propofal of the 29th April, That there be an equality of Customs, Excifes and all other Taxes throughout the United Kingdom of Great Britain, The Lords Commifsioners for Scotland take no notice of what relates to Excifes, The Lords Commifsioners for England do therefore think it necefsary to insist upon their said Propofal, as that without which there cannot be an entire Union between the two Kingdoms, of which their Lordships are so desireous on their parts, that they are ready to agree to an Equivalent for what Scotland shall be taxed towards payment of the Debts of England in all particulars whatsoever.

Adjourn'd to Munday the 13th instant 10 in the morning

Munday the 13th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somersett
Earl of Weemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townsend
Lord Ross	Lord Grey
Lord President of Session	Lord Sommers
Lord Justice Clerk	Speaker of the House of Commons
Mr Francis Montgomery	Marquis of Granby
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Henry Boyle Esqr
Sir James Smallet	Sir John Holt
George Lockhart	Sir Thomas Trevor
William Morrison	Solicitor General
Alexander Grant	Sir John Cook
William Seton	Doctor Waller
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in the name of the Lords Commissioners for Scotland deliver'd to the Board a further Answer to the Proposal made by the Lords Commissioners for England on the 29th April last which was read.

The Lords Commissioners for Scotland did take into their Consideration the Proposal offered by the Lords Commissioners for England the 29th April, and found it comprehended so many particulars, that they judg'd it most proper to answer it point by point; Accordingly on the 9th instant they gave an Answer as to the Customs and Land Tax, and did not mention any thing therein of the Excises because the consideration of these was depending before the Committee of the Commissioners of both sides But to satisfy the Lords Commissioners for England that nothing shall be wanting on the part of the Lords Commissioners for Scotland that is necessary for the attaining an entire Union, They do agree to the equality of Excises on Ale, Beer, Mum, Cyder, Swetts, Perry, Low Wines, Aquavitæ & Spirits, But they do Propose an Exemption from all other Burthens & Excises within Scotland for a competent time to be adjusted in the course of this Treaty, That the Subjects of Scotland may (by the benefit arising from the communication of Trade,) be put in a capacity to bear a proportion of other burthens & excyses being willing at the commencement of the Union to bear equal Excises on all that is exported from Scotland to England, or the Plantations; And the Lords Commissioners for Scotland do hope that the Lords Commissioners for England, will be convinced that the immunity from these other burthens and excises for a term of years is consistent with an entire Union & will not put the trade on an unequal foot when the present circumstances of both Kingdoms are duly consider'd.

And whereas the Lords Commissioners for England did by their Proposal declare they were ready to agree to an Equivalent for what Scotland shall be taxed in, towards the payment of the Debts of England in all particulars whatsoever, The Lords Commissioners for Scotland are ready to enter with their Lordships into the Consideration of this Equivalent and how to make it effectual.

The Lords Commissioners for England withdrew, and being return'd the Lord Keeper in their Lordships names deliver'd to the Board their Reply to the forsaid Answer which was read.

The Lords Commissioners for England taking into their consideration the Paper delivered to them this Meeting by the Lords Commissioners for Scotland, are so sensible of the Lords Commissioners for Scotland's having agreed to an Equality of Excises as to all excisable Liquors (as the Lords Commissioners for England understand the same) and to an equality of excises and burthens on all goods exported to England & the Plantations which the Lords Commissioners for England do not doubt will be agreed to by the Lords Commissioners for Scotland, as to all goods exported to all places whatsoever, That to shew their readiness to comply with every thing reasonable to the bringing this Treaty to a good effect, They are willing to enter into the consideration of the particular Excises and Burthens point by point, which being of several natures so that they will require to be distinctly considered, the Lords Commissioners for England find it necessary to desire a little time for giving their opinion on each particular Head, But in general are enclin'd to consent to an Exemption of Excises and Burthens as propos'd, in such cases where it may be done without prejudice to the Trade or Manufactures of England: As to the Excises, where an Exemption cannot be consented to without such inconveniency, The Lords Commissioners for England will consider of a proper Equivalent or some other Expedient to promote the desired Union of the two Nations.

And as to those Customs and Excises to which their Lordships have already agreed, and for which an Equivalent is to be allowed to the Kingdom of Scotland, The Lords Commissioners for England do think it would tend to the dispatch of this Treaty that the Committee already appointed should continue to sit in order to the adjusting that matter.

Adjourn'd to Wednesday the 15th instant 5 in the evening.

Wednesday the 15th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Earl of Mar	Lord Keeper
Earl of Loudoun	Lord Treasurer
Earl of Sutherland	Earl of Pembroke
Earl of Morton	Duke of Devonshire
Earl of Weemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Orford
Earl of Glasgow	Lord Townsend
Lord Duplin	Lord Wharton
Lord Ross	Lord Grey
Lord President of Session	Lord Sommers
Lord Justice Clerk	Speaker of the House of Commons
Mr Francis Montgomery	Marquis of Granby
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Sir John Holt
Sir James Smallet	Sir Thomas Trevor
George Lockhart	Attorney General
William Morrison	Solicitor General
Alexander Grant	Sir John Cook
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in the name of the Lords Commissioners for England delivered to the Board, an Answer to the Proposal made by the Lords Commissioners for Scotland on the 13th instant which was read.

The Lords Commiſsioners for England taking into consideration, the Propoſal made by the Lords Commiſsioners for Scotland on the 13th instant That the Kingdom of Scotland should be for a competent time exempted from all Exciſes and Burthens, others than such as have been agreed unto by the Lords Commiſsioners for Scotland, Have in order to comply with the said Propoſal, so far as can be done without prejudice to the Trade and Manufactures of England, distinctly enumerated and considered the several Exciſes and Burthens which are now payable by virtue of the diverſe Acts of Parliament in England, and which have not yet been agreed to by the Lords Commiſsioners for Scotland, and do find the same to conſiſt of the particulars which are hereafter mentioned, together with the Opinion and Anſwers of the Lords Commiſsioners for England to the said Propoſal, as to each of the said respective Dutys.

1° The Duty on ſtampt Paper, Vellom and Parchment one moiety whereof expires on the 1st of August 1710; The Lords Commiſsioners for England do consent that the Kingdom of Scotland be exempted from the whole Duty untill the 1st of August which shall be in the year of our Lord 1710.

2° The Duty on Births Marriages and Burials which being to expire the first of August next, and therefore, before the deſired Union can take place; The Lords Commiſsioners for England do conceive it to be wholly unneceſsary to enter further into the consideration of that Duty.

3° The Duty payable on Windows and Lights till the 1st of August 1710; The Lords Commiſsioners for England are of opinion that the Kingdom of Scotland shall be exempted from the said Duty during that Term.

4° The Duty on Coals and Culm payable to the 30th September 1710; As to this Duty the Lords Commiſsioners for England do consent that the Kingdom of Scotland do remain exempted from the said Duty during the said Term, as to all Coals and Culm conſum'd within the Kingdom of Scotland, and no otherways.

5° The Duty on Mault granted for no longer time than the 24th of June 1707; The Lords Commiſsioners for England do consent that the Kingdom of Scotland shall remain exempted during the said Term from the said Duty.

6° The Duty on Salt; As to this Duty, the Lords Commiſsioners for England, to shew their willingneſs to eaſe for some time the Poor of the Kingdom of Scotland, do consent that the Kingdom of Scotland shall for a competent time after the Union (to be settled in the progreſs of this Treaty) remain exempt from the payment of that Duty, for all Salt spent in kind, or uſed in proviſions, spent within the Kingdom of Scotland Provided that the Lords Commiſsioners for Scotland do propoſe effectual methods to the Lords Commiſsioners for England for securing that the like Duties as are now payable in England be paid and collected in the Kingdom of Scotland after the Union without fraud as to all Salt exported from that Kingdom either in kind, or proviſions.

The Lord Chancellor in the name of the Lord Commiſsioners for Scotland deliver'd to the Board an Explanation of their agreement to the Exciſes &c. mentioned in their Lordships Paper delivered to the Board the 13th instant which was read.

The Lords Commiſsioners for Scotland by their Paper delivered the 13th instant did mean an Equality on all exciſable Liquors as the Lords Commiſsioners for England did understand it, and they are willing there be an equality of Exciſes and Burthens, on all Goods exported to all places whatsoever which they agreed to by their Propoſal the 9th instant.

Adjourn'd to Friday the 17th instant in the evening.

Friday the 17th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Newcastle
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Lord Townsend
Earl of Stair	Lord Wharton
Earl of Roſeberry	Lord Grey
Earl of Glasgow	Lord Sommers
Lord Archibald Campbell	Speaker of the Houſe of Commons
Lord Roſs	Marquis of Hartington
Lord Preſident of Seſsion	Secretary Hedges
Lord Justice Clerk	Secretary Harley
Mr Francis Montgomery	Henry Boyle Esqr
Sir David Dalrymple	Sir John Holt
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Sir John Cook Knight
Sir James Smallet	
George Lockhart	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in the name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Paper, in relation to the several Taxes and Exciſes, to which their Lordships had agreed, and renewing their Propoſal of the 13th instant for a general Exemption for some competent time from all other Exciſes and Burthens than those already agreed to, which was read.

The Lords Commiſsioners for Scotland since the last general Meeting have again considered the Propoſition made by the Lords Commiſsioners for England the 29th April laſt, viz. That there be the same Customs, Exciſes and all other Taxes, and the same Prohibitions, Restrictions and Regulations of Trade throughout the united Kingdom of Great Britain, with the Papers which have been since delivered by the Commiſsioners of both Kingdoms, upon that subject, and do with great satisfaction observe that the Difference as to that important Propoſal is brought to a very narrow compaſs. And the Lords Commiſsioners for Scotland take this occaſion to acknowledge the senſe they have of the regard shown by the Lords Commiſsioners for England for the Subjects of Scotland, after the deſir'd Union; And the Lords Commiſsioners for Scotland, having by their several Propoſals and Anſwers agreed to the same Regulations of Trade, and to an Equality of Cuſtoms and Exciſes upon all exciſable Liquors, and a Quota of Land Tax, all to commence from the Union; as also to an equality of all other Taxes after some years, They do conceive that they have fully complyed with the said Propoſal of the 29th April, Excepting only that they have propoſ'd an Exemption for some time from all further Burthens than those expreſsly consented to. And as to the Exemption deſired, The Lords Commiſsioners for Scotland are very sensible that the Lords Commiſsioners for England have not only by their Paper of the 13th Instant declared that they were enclin'd to consent in general to an Exemption of Exciſes and Burthens as propoſed in ſuch caſes where it might be done without prejudice to the Trade and Manufactures of England, But that in purſuance of that good diſpoſition their Lordships by their Paper the 15th instant have consented to an Exemption in favour of the Subjects of Scotland

from the several dutys and for the particular Terms therein mentioned whereby the Immunity desired is so far granted, But the Lords Commiſsioners for Scotland from their conſideration of the present Circumſtances of that Kingdom, find themſelves under a neceſsity to renew their Propoſal of a General Exemption for some competent time from all other Exciſes and Burthens beſides thoſe great Dutys and Taxes already conſented to, That the Subjects of Scotland may by the benefit of Trade be enabled cheerfully to bear an equality of all other Burthens, which will greatly advance a firm Union and Coalition of affection and interest betwixt the two Kingdoms.

Adjourn'd to Saturday the 18th instant 5 in the evening.

Saturday the 18th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Newcaſtle
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingſton
Earl of Stair	Earl of Carliſle
Earl of Roſeberry	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Duplin	Speaker of the Houſe of Commons
Lord Roſs	Marquis of Hartington
Lord Preſident of Seſsion	Marquis of Granby
Lord Juſtice Clerk	Secretary Harley
Mr Francis Montgomery	Henry Boyle Esqr
Sir David Dalrymple	Sir John Holt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
George Lockhart	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in the name of the Lords Commiſsioners for England delivered to the Board their Anſwer to the Paper delivered by the Lords Commiſsioners for Scotland the 17th instant which was read.

The Lords Commiſsioners for Scotland on the 9th instant Propoſ'd a Quota of a Land Tax, and agreed to the same Regulations of Trade and to an Equality of Customs, and on the 13th agreed to an Equality of Exciſes on all exciſable Liquors, but at the same time their Lordships propoſ'd an Exemption from all other Burthens & Exciſes for a competent time.

The Lords Commiſsioners for England did the same day return Anſwer That their Lordships would enter into the consideration of the particular Exciſes and Burthens point by point, and on the 15th instant did return their Anſwer distinctly, to the particular Exciſes and Burthens payable by virtue of several Acts of Parliament in England in such manner as their Lordſhips had reaſon to hope would have been to the entire satisfaction of the Lords Commiſsioners for Scotland; but the Lords Commiſsioners for England finding by the Paper delivered in on the 17th instant by the Lords Commiſsioners for Scotland, that tho' they do take notice of the said Anſwer of the 15th yet their Lordships have thought fit to renew their propoſal of a general Exemption for some competent time from all other Exciſes and Burthens besides theſe their Lordships had already conſented to: The Lords Commiſsioners for England did understand that Propoſal of the 13th to extend only to such other Burthens and Exciſes as are now subſiſting in England, to every one of which their Lordships think they have given a full and distinct Anſwer, And if it shall appear that any particulars have been omitted in that Anſwer, the Lords Commiſsioners for England will enter into the consideration of them & return their opinion thereupon; But if the Lords Commiſsioners for Scotland would extend their Propoſal of the 13th to an exemption from all Burthens and Exciſes which the Parliament of Great Britain may hereafter find neceſsary to impoſe on the United Kingdom, the Lords Commiſsioners for England are of opinion, that it cannot be ſuppoſ'd the Parliament of Great Britain will ever lay any sort of Burthens upon the United Kingdom, but what they shall find of neceſsity at that time for the preſervation and good of the whole, and with due regard to the circumstances and abilitys of every part of the United Kingdom and to allow of any ſuppoſition to the contrary would be to form and set up an unanſwerable argument against the Union itself; Therefore the Lords Commiſsioners for England do desire that the Lords Commiſsioners for Scotland would take into their consideration the several particulars in that paper delivered to them by the Lords Commiſsioners for England on the 15th instant and return such Anſwer to them as their Lordships shall think fit.

Adjourn'd to Tuesday the 21st instant 5 in the evening.

Tuesday the 21st May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcaſtle
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingſton
Earl of Glasgow	Earl of Carliſle
Lord Archibald Campbell	Lord Townsend
Lord Duplin	Lord Wharton
Lord Roſs	Lord Grey
Lord Preſident of Seſsion	Lord Sommers
Lord Juſtice Clerk	Speaker of the Houſe of Commons
Mr Francis Montgomery	Marquis of Hartington
Sir David Dalrymple	Marquis of Granby
Sir Alexander Ogilvie	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smallet	Chancellor of the Exchequer
George Lockhart	Sir John Holt
William Morriſon	Sir Thomas Trevor
Alexander Grant	Attorney General
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commiſsioners for Scotland delivered to the Board their Lordships Anſwer to the Papers deliver'd by the Lords Commiſsioners for England the 15th & 18th instant which was read.

The Lords Commiſsioners for Scotland have taken into their consideration the papers deliver'd by the Lords Commiſsioners for England on the 15th & 18th instant and do understand that the first contains all the several kind of Burthens and Exciſes

now in uſe in England, besides thoſe to which the Lords Commiſsioners for Scotland have already agreed.

And as to the several particulars contain'd in the said Papers

1° As to Duties on ſtampt Paper Vellom and Parchment, seeing the Exemption from that Imposition can have no influence on Trade or Manufacturies, and that the said Duty does affect the ſecurities of the Subjects Estates, adding likewise a new Condition, which being omitted may make their Rights and Titles void: And further considering that the said Duty will be uneasy to the People, chargable in collecting, and of small value; the Lords Commiſsioners for Scotland do Propoſe that the Kingdom of Scotland be wholly exempted from the same or at least that the Exemption from the said Duties agreed to by the Lords Commiſsioners for England in the said Paper of the 15th instant be prolong'd beyond the year 1710, to a certain period, as to that moiety which is imposed for perpetuity.

2° As to the other particular Duties which expire in the year 1710 or sooner, from which the Lords Commiſsioners for England have agreed that the Kingdom of Scotland shall be exempted, the Lords Commiſsioners for Scotland do understand that it was the meaning of the Lords Commiſsioners for England to extend that Exemption to the Duty laid on Cynders.

3° As to the Duty on Salt, the Lords Commiſsioners for England having conſented that the Kingdom of Scotland shall for a competent time after the Union, remain exempted from the payment of that Duty, for all Salt spent in kind or uſ'd in Proviſions within the Kingdom of Scotland, Provided that the Lords Commiſsioners for Scotland should propoſe effectual methods for securing that the like Dutys as are now payable in England, be paid and collected in the Kingdom of Scotland, after the Union, as to all Salt exported from that Kingdom either in kind, or proviſions, The Lords Commiſsioners for Scotland have herewith given in a Scheme of such Regulations as have occurr'd to them for securing that the Duty propoſ'd be collected in Scotland as to all Salt exported from that Kingdom in kind or proviſions, and are willing to agree to what other methods shall be propoſ'd on that behalf by the Lords Commiſsioners for England, and their Lordships are ready to enter with the Lords Commiſsioners for England on the consideration of the time to which the said Exemption shall be limited, and the Lords Commiſsioners for Scotland doubt not but as the Lord Commiſsioners for England have agreed to the Exemption propoſ'd, from all Burthens or Exciſes now in uſe, but thoſe conſented to by the Lords Commiſsioners for Scotland, That the Lords Commiſsioners for England will also agree that the Kingdom of Scotland remain exempted from any Duties (except theſe agreed to) which may be laid on by the Parliament of England before the Union.

And as to the general Exemption formerly propoſ'd on the part of Scotland from all other Burthens than thoſe conſented to for a competent time, The Lords Commiſsioners for Scotland considering what the Lords Commiſsioners for England have obſerv'd, That it cannot be suppoſ'd the Parliament of Great Britain will ever lay any sort of Burthens upon the United Kingdom but what they shall find of neceſsity at that time, for the preſervation and good of the whole and with due regard to the circumſtances and abilities of every part of the United Kingdom, Therefore the Lords Commiſsioners for Scotland to avoid the difficulty that may ariſe in that matter, do agree not to insist further at preſent, but to leave the continuation of the said Exemption to be determin'd by the Parliament of Great Britain.

And the Lords Commiſsioners for Scotland having by this and their former Papers anſwer'd the Propoſal made by the Lords Commiſsioners for England on the 29th April concerning the Equality of Taxes, The Lords Commiſsioners for Scotland take this occaſion to put the Lords Commiſsioners for England in mind of a Propoſal given in to their Lordships the 9th instant concerning the Quota of Land Tax for the Kingdom of Scotland not doubting but that the Lords Commiſsioners for England will agree to the same.

The Lord Chancellor did also in name of the Lords Commiſsioners for Scotland Deliver to the Board the following Propoſal which was read.

> Propoſal for the effectual preventing the Exportation of Scotch Salt to England, or the Plantations, without paying the same Exciſes, with which English Salt is charg'd during the exemption allowed to Scotland from the said Duty.

1° That no Salt be transported from Scotland to England by land under the penalty of forfeiting the Salt and the Horſes uſed in transporting it, and pay Ten Shillings for every Bushel of Salt so transported, for which the carrier as well as the owner shall be lyable conjunctly and severally and the Carriers to be impriſon'd untill the said penalty be paid.

2° That all Salt water borne be enter'd at a Custom Office, and that before Shipping there be a report made, expreſsing to what Port the Ship, or Veſsel is bound, and if bound to any Port within Scotland there shall be sufficient security given for the Duty payable in six months, with this Condition, that in case a Certificate be return'd from the Collector or Collectors where the Ship or Veſsel is bound, that the same quantity was truly and without fraud, found loaded at the said Port or Ports, reasonable allowance being made for waste since the Embarkation; then and in that case the Bond for the Duty to become void: And in case the Ship or Veſsel be bound for England, or the Plantations, the Exciſe or Duty chargable on the like Salt in England shall be preſently paid in money, and a Transire or Certificate, ſubſcrib'd by the Collector expreſsing the quantity of Salt enter'd, and the Duty paid; and if any Ship or Veſsel load Salt on board and export the same without duly Reporting, Entering & Carrying the said Transire or Certificate along with him, to be produced at the Port of Discharge, the Ship or Veſsel unloading shall be confiscated, and the Master impriſon'd for three months, and in caſe of any frand, or connivance in the Collector, or other officers of the Custom House, the said Collector or other officer shall be lyable to pay a years Sallary, and be depriv'd of his office.

3° As to Proviſions, All Fishes and Flesh barreld for exportation are appointed to be packt and cured with forreign Salt without any mixture of Scotch, or English Salt by the law of Scotland, which forreign Salt falls under the Regulation of forreign Trade, and there are no other valuable proviſions that can be imported from Scotland, and the Lords Commiſsioners for Scotland are willing to agree to any further propoſal that shall be made for preventing fraud in importing Scotch Salt or Salted Proviſions.

HER MAJESTY came to the Meeting and being seated in her Chair, spoke to the Lords Commiſsioners as followeth

My Lords

I am so much concern'd for the Union of the two Kingdoms, that I could not satisfy my self without coming before I went out of Town, to see what Progreſs you had made in the Treaty, and to recommend very earnestly to your the bringing it to a happy Conclusion, with as much dispatch as the nature of it will admit, not doubting of the general Satisfaction which my Subjects of both Kingdoms will receive in finding you overcome all difficulties to attain so great and publick a good.

The Lord Keeper desir'd to know of her Majesty if she would be pleas'd to hear the Proposals made on either side and the Resolutions hitherto taken thereupon read by the respective Secretaries, which her Majesty was pleas'd to allow of, and the same were read accordingly.

After reading whereof her Majesty went away, and the Lords Commiſsioners adjourn'd to Thursday the 23d instant 10 a clock in the morning.

Thursday the 23d May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Bolton
Earl of Sutherland	Earl of Sunderland
Earl of Morton	Earl of Kingston
Earl of Weemyfs	Earl of Carlisle
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Rofeberry	Lord Wharton
Earl of Glasgow	Lord Grey
Lord Duplin	Lord Sommers
Lord Rofs	Speaker of the Houfe of Commons
Lord Prefident of Sefsion	Mr Secretary Hedges
Lord Juftice Clerk	Mr Chancellor of the Exchequer
Mr Francis Montgomery	Sir Thomas Trevor
Sir David Dalrymple	Solicitor General
Sir Alexander Ogilvie	Doctor Waller
Sir Patrick Johnston	
Sir James Smollet	
George Lockhart	
William Morrifon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commifsioners for England deliver'd to the Board the following Anfwer to the Paper delivered by the Lords Commifsioners for Scotland the 21st instant which was read.

The Lords Commifsioners for England having considered the Papers deliver'd by the Lords Commifsioners for Scotland on the 21st instant and being defirous to remove all difficulties in this Treaty, return this Anfwer.

That whereas the Lords Commifsioners for England, have already confented that the Kingdom of Scotland be exempted from the whole duty on ftampt Paper, Vellom and Parchment till the 1st of August 1710, at which time one part thereof expires, The Lords Commifsioners for England do now consent that the Kingdom of Scotland shall not be charged with the other part of that Duty during the continuance of that Duty by any Act now in force.

And do agree it was and is the intent of the Lords Commifsioners for England that the Kingdom of Scotland be exempted from the payment of the Duty laid on Cynders in such manner as the Lords Commifsioners for England have before agreed that the Kingdom of Scotland be exempted from the payment of the Duty on Coal & Culm.

And as to the Scheme propof'd by the Lords Commifsioners for Scotland for securing that the Duty on Salt now payable in England be collected in Scotland after the Union, as to all Salt exported from that Kingdom in kind, or provifions, the Lords Commifsioners for England have thought it neceffary to receive some information concerning that matter, from the Officers principally concern'd in the management of that Duty, and untill the Lords Commifsioners for England can be satisfy'd concerning the sufficiency of thefe, or other methods, for the end propof'd, they conceive they cannot properly enter with the Lords Commifsioners for Scotland on the confideration of the time, to which the exemption of Scotland from that Duty, shall be limited.

And as to the Duty which may be laid on by the Parliament of England, before the Meeting of the Parliament of Great Britain for the service of the year 1707, the Lords Commifsioners for England do agree that the Kingdom of Scotland shall not be charged with thofe Duties, upon this consideration that the Parliament of Scotland do make the neceffary Provifion for the publick charge and service of the year 1707 in that Kingdom, Provided that if the Parliament of England shall think fit to lay a further charge on the Cuftoms, or thofe Excifes of which the Lords Commifsioners for Scotland have agreed to bear equal Burthens, In such cafes the Lords Commifsioners for England propofe, the Kingdom of Scotland be lyable to the same Customs and Excifes having an Equivalent to be settled by the Parliament of Great Britain, And as to the Quota of a Land Tax for the Kingdom of Scotland, propof'd by the Lords Commifsioners for Scotland, The Lords Commifsioners for England do agree that whenever the sum of 1997763 li. 8 s. 4½ d. shall be enacted by the Parliament of Great Britain to be raif'd in England on Land, and other things ufually charg'd in Acts of Parliament for Granting an Aid to the Crown by Land Tax the Kingdom of Scotland shall be charged by the same Act with the further fum of £48000, as the Quota of that Kingdom to such Tax, and fo proportionably for any greater, or leffer sum raif'd on the Kingdom of England by any Tax upon Land and other things ufually charg'd together with the Land.

Adjourn'd to Friday the 24th instant 5 in the evening.

Friday the 24th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Weemyfs	Earl of Kingston
Earl of Leven	Earl of Carlisle
Earl of Stair	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Speaker of the Houfe of Commons
Lord Duplin	Marquis of Hartington
Lord Rofs	Marquis of Granby
Lord Prefident of Sefsion	Secretary Hedges
Lord Justice Clerk	Secretary Harley
Mr Francis Montgomery	Chancellor of the Exchequer
Sir David Dalrymple	Attorney General
Sir Alexander Ogilvie	Solicitor General
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
George Lockhart	
William Morrifon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commifsioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commifsioners for Scotland are very sensible of the care which the Lords Commifsioners for England have taken to remove difficulties in this important Article concerning common Taxes and Impositions, and their Lordships doubt not, that the joynt desires and endeavours of the Lords Commifsioners for both Kingdoms will bring this Treaty to a good and speedy Conclufion in every point.

And as to the particulars contain'd in the Anfwer given in by the Lords Commifsioners for England the 23d instant the Lords

Commiſsioners for Scotland do accept the said Anſwer as satisfying, as to the Exemption of the Kingdom of Scotland from the Dutys upon ſtampt Paper Vellom & Parchment, and upon Cynders, and as to the Quota of Land Tax for Scotland.

And as to the Article concerning the Salt the Lords Commiſsioners for Scotland are very well satisfy'd that the Lords Commiſsioners for England take what time they judge needfull for informing themselves & preparing the most proper methods for securing what their Lordships propoſed the Lords Commiſsioners for Scotland being very ready to concurr on their part.

As to the Duties which may be laid on by the Parliament of England before the Meeting of the Parliament of Great Britain the Lords Commiſsioners for Scotland do underſtand that the ſaid Anſwer is intended by the Lords Commiſsioners for England as an agreement to the Propoſal made by the Lords Commiſsioners for Scotland that that Kingdom might remain exempted from all other Duties laid on by the Parliament of England before the Union, except theſe conſented to; and the Lords Commiſsioners for Scotland do agree that all neceſsary Proviſion shall be made within the Kingdom of Scotland for the charge and service of that Kingdom during the time that shall interveen before the Meeting of the Parliament of Great Britain.

And whereas the Lords Commiſsioners for England do Propoſe that if the Parliament of England shall think fit to lay a further charge on the Customs, or thoſe Exciſes of which the Lords Commiſsioners for Scotland have agreed to bear equal Burthens, in such caſes the Kingdom of Scotland be lyable to the same Customs and Exciſes having an Equivalent to be settled by the Parliament of Great Britain The Lords Commiſsioners for Scotland do consent in the terms propoſ'd.

And seing the adjusting of the Equivalent and settling the endurance of the Exemption from the Duty on Salt may require some time, the Lords Commiſsioners for Scotland are ready either to proceed on theſe matters untill they be fully adjusted or to enter on the consideration of the Conſtitution of the Parliament of Great Britain; the Reservation of Laws and Judicatures, or any other remaining Head to be Treated on as shall be agreed by the Lords Commiſsioners for both Kingdoms while in the mean time the Committee is preparing what lyes before them.

Adjourn'd to Saturday the 25 instant 6 in the evening.

Saturday the 25th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Bolton
Earl of Sutherland	Earl of Sunderland
Earl of Morton	Earl of Carlisle
Earl of Weemyſs	Earl of Orford
Earl of Leven	Lord Townsend
Earl of Stair	Lord Wharton
Earl of Roſeberry	Lord Sommers
Earl of Glasgow	Speaker of the Commons.
Lord Archibald Campbell	Marquis of Granby
Lord Duplin	Mr Secretary Harley
Lord Roſs	Chancellor of the Exchequer
Lord Preſident of Seſsion	Solicitor General
Lord Juſtice Clerk	
Mr Francis Montgomery	
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smallet	
George Lockhart	
William Morriſon	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board their Lordships Anſwer to the Paper delivered by the Lords Commiſsioners for Scotland the 24th instant which was read.

All the matters which have hitherto been under the consideration of the Commiſsioners for both Kingdoms, appearing by the Paper delivered by the Lords Commiſsioners for Scotland the 24th instant to be adjusted except only the determination of the Equivalent and the time for which the Exemption of Scotland from the Duty on Salt is to endure; both which things are put into a proper methode to be brought to a Concluſion; the Lords Commiſsioners for England are ready to receive any further propoſal from the Lords Commiſsioners for Scotland in order to the bringing this Treaty to a speedy and happy concluſion.

Adjourn'd to Munday the 27th instant 6 in the evening.

Munday the 27th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Duke of Newcastle
Earl of Loudoun	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roſeberry	Earl of Orford
Earl of Glasgow	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Sommers
Lord Roſs	Speaker of the House of Commons
Lord Preſident of Seſsion	Secretary Hedges
Lord Juſtice Clerk	Chancellor of the Exchequer
Mr Francis Montgomery	Sir John Holt
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Solicitor General
Sir James Smollet	Doctor Waller
George Lockhart	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commiſsioners for Scotland acquainted the Board that their Lordships for Scotland were preparing a Propoſal concerning the Reſervation of Laws and Judicatures in Scotland after the Union which would be ready to offer to the Board at next meeting.

Adjourn'd to Wednesday the 29th instant 6 in the evening.

Wednesday the 29th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Somerset

Earl of Morton
Earl of Weemyſs
Earl of Leven
Earl of Stair
Earl of Glasgow
Lord Archibald Campbell
Lord Roſs
Lord Preſident of Seſsion
Lord Juſtice Clerk
Mr Francis Montgomery
Sir David Dalrymple
Sir Alexander Ogilvie
Sir Patrick Johnston
Sir James Smallet
George Lockhart
William Morriſon
William Seton
John Clark
Daniel Stewart
Daniel Campbell

Earl of Sunderland
Earl of Kingston
Earl of Orford
Lord Townsend
Lord Grey
Lord Sommers
Mr Speaker
Marquis of Hartington
Secretary Harley
Henry Boyle Esqr
Sir John Holt
Sir Thomas Trevor
Solicitor General
Doctor Waller

The Lord Chancellor in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Propoſal which was read.

The Lords Commiſsioners for Scotland having already agreed to an Equality of Customs and Exciſe upon all exciſable Liquors and to the same Regulations of Trade throughout the whole United Kingdom, as a consequence thereof, their Lordships do now agree, that the Laws concerning Regulation of Trade Customs and Exciſe upon all exciſable Liquors be the same in Scotland after the Union as in England.

But the Lords Commiſsioners for Scotland do Propoſe that all other Laws in uſe within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before, but alterable by the Parliament of Great Britain with this difference betwixt the laws concerning Publick Right Policy & Government, and thoſe which concern Privat Right, That the Laws which concern Publick Right Policy and Government may be made the same throughout the whole United Kingdom, but that no alteration be made in the Laws which concern Privat Right, except for evident utility of the Subjects within that part of the United Kingdom now called Scotland.

And as to the Judicatures within Scotland the Lords Commiſsioners for Scotland do propoſe as followeth.

That the Court of Seſsion or Colledge of Justice do after the Union and notwithſtanding thereof remain in all time coming within Scotland as 'tis now conſtituted by the laws of that Kingdom and with the same authority and priviledges as before the Union ſubject nevertheleſs to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain.

That the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as 'tis now conſtituted by the laws of that Kingdom, and with the same authority and priviledges as before the Union ſubject nevertheleſs to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Justiciary.

That all other Courts presently in being within the Kingdom of Scotland do remain, but subject to alterations by the Parliament of Great Britain And that all inferior Courts within the said limits do remain subordinat as they now are to the Supreme Courts of Justice within the same in all time coming.

That no Cauſes in the Kingdom of Scotland be cognoſcible by the Courts of Chancery, Queens Bench, Common Pleas, or any other Court in Westminster Hall and that the said Courts, or any others of the like nature after the Union shall have no power to cognoſce, review, or alter the Acts or sentences of the Judicatures within Scotland, or stop the execution of the same.

That there be a Court of Exchequer in Scotland after the Union for decyding questions concerning the Revenues of Customs and Exciſes, having the same power and authority as the Court of Exchequer has in England, And that the said Court of Exchequer in Scotland have power of passing Signatures, Gifts, Tutories and in other things as the Court of Exchequer at present in Scotland hath, and that the Court of Exchequer that now is in Scotland do remain until a new Court of Exchequer be settled by the Parliament of Great Britain in that Kingdom after the Union.

That after the Union the Queens Majesty and her Royall Succeſsors may continue a Privy Council in Scotland for preſerving of publick order and peace, untill the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

That all heretable Offices and Jurisdictions, and offices, or jurisdictions for life, be reſerv'd to the Owners thereof as Right of property, notwithstanding of this Treaty in the same manner as they are now injoy'd by the law of Scotland.

That the Rights and priviledges of the Royal Burroughs in Scotland as they now are do remain entire after the Union and notwithstanding thereof.

Adjourn'd to Thursday the 30th instant 6 in the evening.

Thursday the 30th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Roſeberry	Earl of Orford
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Townsend
Lord Roſs	Lord Grey
Lord Justice Clerk	Speaker of the Houſe of Commons
Mr Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Doctor Waller
William Morriſon	
Alexander Grant	
William Seton	
Daniel Stewart	
John Clark	

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board the following Anſwer to the Propoſal made by the Lords Commiſsioners for Scotland the 29th instant which was read.

The Lords Commiſsioners for England having considered the several Propoſals contain'd in the Paper delivered the 29th instant by the Lords Commiſsioners for Scotland, and being extremely deſireous to bring this Treaty to a speedy and happy concluſion, do agree to the same, Reserving still the consideration of the Courts of Admiralty of Scotland to the further progreſs of this Treaty.

Adjourn'd to Saturday the 1 June 1706, 6 in the evening.

Saturday the 1st day of June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord President
Earl of Mar	Earl of Sunderland
Earl of Loudoun	Earl of Orford
Earl of Sutherland	Lord Grey
Earl of Morton	Mr Speaker
Earl of Leven	Marquis of Hartington
Earl of Stair	Doctor Waller
Earl of Roſeberry	
Earl of Glasgow	
Lord Preſident of Seſsion	
Lord Justice Clerk	
Mr Francis Montgomery	
Sir David Dalrymple	
Sir Patrick Johnston	
Sir James Smollet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commiſsioners for England acquainted the Board that their Lordships for England were preparing ſome Propoſals, which would be ready to offer to the Board at the next Meeting.

Adjourn'd to Wednesday the 5 instant 6 in the evening.

Wednesday the 5th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Treaſurer
Duke of Queensberry	Earl of Pembroke
Earl of Mar	Duke of Somerset
Earl of Loudoun	Duke of Bolton
Earl of Sutherland	Earl of Sunderland
Earl of Morton	Earl of Kingston
Earl of Weemyſs	Earl of Carlisle
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Roſeberry	Lord Wharton
Earl of Glasgow	Lord Grey
Lord Roſs	Lord Somers
Lord Preſident of Seſsion	Mr Smith
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Secretary Harley
Sir David Dalrymple	Chancellor of the Exchequer
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
George Lockhart	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treaſurer in name of the Lords Commiſsioners for England delivered to the Board the following Anſwer to the Propoſal offered by the Lords Commiſsioners for Scotland the 21st of May past which was read.

The Lords Commiſsioners for England having taken into conſideration the Propoſals delivered in to them the 21st day of May last by the Lords Commiſsioners for Scotland for the effectual preventing the Exportation of Scotch Salt to England or the Plantations without paying the same Exciſes with which English Salt is charged during the Exemption allowed to Scotland from the said Duty do give the following Anſwer to the several Propoſalls therein.

1° As to the first article of the said Propoſal viz. That no Salt be transported from Scotland to England by land under the penalty of forfeiting the Salt and the Horſes uſ'd in transporting it and paying 10 Shillings for every Bushell of Salt so transported, for which the Carriers as well as the Owner shall be lyable conjunctly and severally and the Carrier be imprisoned untill the said penalty be paid.

The Lords Commiſsioners for England do agree to the same with the alterations following viz. That no Salt be transported from Scotland to England by land in any manner whatsoever, under the penalty of forfeiting the Salt and the Cattle and Carriages made uſe of in transporting it and paying 20 Shill: for every Bushel of such Salt and proportionable for a greater or leſser quantity for which the Carrier as well as the Owner shall be liable conjunctly and severally, and the persons carrying the same to be imprisoned by any one Justice of the Peace by the space of 6 months without Bail or Main-prize and untill the penalty be paid.

2° As to the second Article relating to Salt water-borne to be carry'd from port to port in Scotland, and Salt exported from Scotland to England, or the Plantations.

The Lords Commiſsioners for England, as to that part of it which relates to Salt water-borne to be carry'd from port to port in Scotland do agree to the same.

And as to that part of the said Propoſal which relates to Salt exported from Scotland to England by sea, the Lords Commiſsioners for England do Propoſe that there shall be paid in England for all Salt made in Scotland, and imported from thence into England, the same Duty upon the Importation as shall be paid for Salt made in England to be levied and secured in the same manner as the Duties on forreign Salt are to be levied and secured in England, and if any other Salt which is not made in Scotland shall be imported from thence into England the same to be charg'd with the Duties on forreign Salt imported into England to be levied and secured in the same manner.

And as to the last part of the said Article relating to Salt exported from Scotland to the Plantations.

The Lords Commiſsioners for England do not insist that any Duty ought to be paid for the same, or for Salt exported from Scotland to any other forreign place whatsoever, in regard that upon the exportation of Salt from England to the Plantations or any other forreign parts, the duty before paid for the same is to be repaid.

3° And as to that part of the last Article of the said Propoſal which relates to salted Fish exported from Scotland into England.

The Lords Commiſsioners for England do Propoſe that for all such Fish there shall be paid in England, upon the importation thereof, such sums of money as by the law relating to the Duties upon Salt in England are allowed, and repaid to the Exporter thereof upon exportation of the like Fish from England to forreign parts, in regard all Salt uſed in Fish cured, and conſum'd in England is liable to Duties of the same value, and in caſe the said fish shall be reexported from England, the Duties paid for the same upon Importation thereof shall be repaid.

And as to all salted fish exported from Scotland to any other place the Lords Commiſsioners for England do not insist that any Duty shall be paid in Scotland for the Salt uſed therein, in regard upon the exportation of such fish from England to any forreign parts the Exporter thereof hath an allowance out of the Dutys on Salt of so much money as the Duty of the Salt uſed in curing such fish amounts to

And as to that part of the said Article which relates to salted Flesh exported from Scotland, in regard all salted flesh consum'd in England, or made use of for victualling of ships there, or exported from England to parts beyond the seas, is cured with Salt for which the Duty on Salt is paid in England, and not repaid upon Exportation of any such flesh from England, and there being so much Salt used in the curing one hundred weight of flesh (each hundred weight being computed at one hundred and twelve pound weight) as the Duty thereof payable in England amounts to two shillings.

The Lords Commissioners for England do Propose that there be paid in England upon the importation of every such hundred weight of flesh from Scotland two shillings; and that before such flesh is so exported from Scotland an Entry be made at the Custom House of the Port of Exportation in Scotland, of the quantity of flesh so to be exported, and the Port in England for which the same is bound, and security given by Bond to her Majesty at the said Port of Exportation in Scotland, that the said flesh shall be landed at the Port in England for which the same shall be so enter'd, or at some other Port in England, (the danger of the seas & enemies excepted) which Bond shall be deliver'd up upon producing a Certificate from the Collectors or Officers of the Customs of the Port of Importation in England that such flesh was landed and left at the said Port; and that the Duty of two Shillings be paid in Scotland for all salted flesh made use of for victualling of ships there or exported from thence to any other parts besides England; and that no salted flesh be brought into England from Scotland by land under the penalty of forfeiting the same, or the value thereof, and the Cattle & Carriages employed in carrying thereof, and of the like imprisonment as they have before propos'd in case of Salt brought from Scotland to England by land.

And if any frauds shall hereafter appear which are not sufficiently provided against by the foregoing Propofals; the Lords Commissioners for England do propose the same shall be subject to such further Provisions as shall be thought fit by the Parliament of Great Britain.

And whereas the Lords Commissioners for England did in their Paper delivered the 15th May last past consent that the Kingdom of Scotland should for a competent time remain exempted from payment of the Duty on Salt, for all the salt spent in kind, or us'd in Provisions spent within that Kingdom; the Lords Commissioners for England do now Propose, that the Kingdom of Scotland shall remain exempt from payment of that duty for all salt spent in kind or used in Provisions within the said Kingdom for the term of Seven years after the Union, upon the Lords Commissioners for Scotlands agreeing to the Propofals abovementioned.

The Lord Treasurer in name of the Lords Commissioners for England also delivered to the Board the following Propofal which was read.

That all Admiralty jurisdiction be under the Lord High Admiral of Great Britain, or Commissioners for the Admiralty of Great Britain for the time being; and that Appeals from the High Court of Admiralty of Great Britain be to the Queen in the same manner as is now settled in England.

Adjourn'd to Friday the 7th instant 6 in the evening.

Friday the 7th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Lord President
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyss	Earl of Sunderland
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Ross	Lord Sommers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Chancellor of the Exchequer
Sir Patrick Johnston	Sir John Holt
Sir James Smallet	Attorney General
George Lockhart	Solicitor General
William Morrison	Sir John Cook
Alexander Grant	Doctor Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Propofal contained in the Answer delivered by the Lords Commissioners for England the 5th instant concerning the effectual preventing the Exportation of Scotch Salt from Scotland to England without paying the same Excises with which the English Salt is charg'd, during the Exemption allowed to Scotland from the said Duty, with the following Alterations.

1° As to that part of the second Article viz. That if any Salt which is not made in Scotland shall be imported to England from thence, the same to be charg'd with the Dutys of foreign Salt imported into England to be levied and secured in the same manner; The Lords Commissioners for Scotland do understand that it is not the meaning of the Lords Commissioners for England by the said Propofal, to lay a double Duty on foreign Salt exported from Scotland to England once to be exacted at Importation of the said Salt into Scotland, and the like Duty at the importation into England from Scotland but that the foreign Salt imported into Scotland be charg'd at the importation there, with the same Dutys after the Union, as the like Salt is charg'd with being imported into England to be levied and secured in the same manner, and for further security in that case the Lords Commissioners for Scotland do Propose that Certificates be sent with foreign Salt exported from Scotland into England, from the Custom Office in Scotland where the said foreign Salt was first imported to the Custom Office in England where the said Salt shall happen to be transported, bearing the payment of, or security given for the Dutys at the said Port, under this penalty, that foreign Salt exported from Scotland into England without such Certificates shall be confiscated.

2° As to the third Article relating to salted fish or flesh exported from Scotland into England and salted flesh made use of for victualling of Ships in Scotland, or exported from Scotland to parts beyond the seas, The Lords Commissioners for Scotland do apprehend that the said Article do's only concern such fish and flesh as is cured in whole or in part, with Scotch Salt, there being an obvious difference betwixt the case of these, and of such fish and flesh exported from Scotland to England as is wholly cured with foreign Salt, in regard that foreign Salt is to pay the like Duty as in England at importation into Scotland, and therefore ought not to pay a second Duty.

And the Lords Commissioners for Scotland do Propose that if the Duty on Salt take place in Scotland after the expiration of seven years during which time the Exemption is agreed to, That then the Kingdom of Scotland shall have an Equivalent.

The Lord Keeper in name of the Lords Commiſsioners for England deliver'd to the Board the following Propoſal which was read.

The Lords Commiſsioners for England being extremely deſirous to come to a speedy concluſion of the present Treaty for an Union of the two Kingdoms, and it having been already agreed that the United Kingdom be represented by one and the same Parliament; their Lordships have turn'd their thoughts to conſider what may be a proper and reasonable Number for the Repreſentative of Scotland in the Houſe of Commons of the United Parliament, Do Propoſe to the Lords Commiſsioners for Scotland that Thirty Eight persons be the number by which that part of the United Kingdom now called Scotland shall be Repreſented in the Houſe of Commons whenever a Parliament shall be called in Great Britain.

Adjourn'd to Tuesday the 11 instant 6 in the evening.

Tuesday the 11 June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Glasgow	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Roſs	Lord Grey
Lord Preſident of Seſsion	Lord Somers
Lord Justice Clerk	Speaker of the Houſe of Commons
Mr Francis Montgomery	Marquis of Hartington
Sir David Dalrymple	Sir Charles Hedges
Sir Alexander Ogilvie	Robert Harley Esqr
Sir James Smallet	Henry Boyle Esqr
Sir Patrick Johnston	Sir Edward Northey
George Lockhart	Sir Symon Harcourt
William Morriſon	Sir John Cook
Alexander Grant	Doctor Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Anſwer to the Propoſal made by the Lords Commiſsioners for England on the 5th instant which was read.

The Lords Commiſsioners for Scotland in Anſwer to the Propoſal deliver'd by the Lords Commiſsioners for England on the 5th instant concerning the Admiralty, do agree that all Admiralty Jurisdiction be under the Lord High Admiral of Great Britain or Commiſsioners of Admiralty of Great Britain for the time being, and as to that part of the said Propoſal which concerns Appeals from the High Court of Admiralty the Lords Commiſsioners for Scotland do Propoſe

That the Court of Admiralty now established in Scotland be continued, and that all Reviews, Reductions, or Suspensions of their Sentences in maritime cases competent to their jurisdiction remain in the same manner after the Union as now in Scotland until the Parliament of Great Britain shall make such Regulations & Alterations as shall be judg'd expedient for the whole United Kingdom Providing there be always continued in Scotland a Court of Admiralty such as is in England for determination of all maritime cafes relating to privat Right in Scotland competent to the jurisdiction of the Admiralty Court.

And the Lords Commiſsioners for Scotland do further propoſe That the heretable Rights of Admiralty and Vice-Admiraltys be reſerv'd to the respective Proprietors as Rights of Property.

The Lord Chancellor did alſo in name of the Lords Commiſsioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland having considered the Propoſal made by the Lords Commiſsioners for England the 7th instant viz. That Thirty Eight perſons be the number by which that part of the United Kingdom now called Scotland shall be repreſented in the Houſe of Commons whenever a Parliament shall be called in Great Britain, do find such difficulties in that matter, That they are under a neceſsity to propoſe a Conference betwixt the Lords Commiſsioners for both Kingdoms on that subject, in which their Lordships doubt not but to satisfy the Lords Commiſsioners for England, that a greater number than is mentioned in the said Propoſal will be neceſsary for attaining the happy Union of the two Kingdoms so much deſired on both sides, And the Lords Commiſsioners for Scotland are willing now to enter on the said Conference, or when the Lords Commiſsioners for England will pleaſe to appoint.

The Lords Commiſsioners for England withdrew, and being return'd the Lord Keeper acquainted the Board that the Lords Commiſsioners for England do agree to a Conference with the Lords Commiſsioners for Scotland upon the subject contained in the Paper delivered by the Lords Commiſsioners for Scotland at this meeting, And that the said Conference be the morrow at 6 a clock in the afternoon.

Adjourn'd to Wedneſday the 12 instant 6 in the evening.

Wednesday the 12th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	*Lord High Treaſurer*
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonſhire
Earl of Sutherland	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Carlisle
Earl of Stair	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Roſs	Lord Sommers
Lord Preſident of Seſsion	Speaker of the Houſe of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Robert Harley Esqr
Sir David Dalrymple	Henry Boyle Esqr
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir Symon Harcourt
Sir James Smallet	Sir John Cook
George Lockhart	Doctor Waller
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lords Commiſsioners on both sides enter'd upon the Conference deſired by the Lords Commiſsioners for Scotland the 11 instant concerning the Repreſentative for Scotland, in the Houſe of Commons in the United Parliament of Great Britain. And the Conference being over Adjourn'd to

Friday the 14th instant 6 in the evening.

Friday the 14th June 1706.

PRESENT

Scotl.	Engl.
Duke of Queensberry	Lord Keeper
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Earl of Sunderland
Earl of Sutherland	Earl of Carlisle
Earl of Morton	Lord Townsend
Earl of Leven	Lord Wharton
Earl of Stair	Lord Grey
Earl of Roſeberry	Lord Sommers
Earl of Glasgow	Marquis of Hartington
Lord Archibald Campbell	Sir Charles Hedges
Lord Roſs	Robert Harley Esqr
Lord Preſident of Seſsion	Sir Edward Northey
Lord Juſtice Clerk	Sir John Cook
Mr Francis Montgomery	Doctor Waller
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnſton	
Sir James Smallet	
George Lockhart	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Anſwer to the Propoſal made by the Lords Commiſsioners for England the 7th instant which was read.

The Lords Commiſsioners for Scotland having considered the Propoſal delivered by the Lords Commiſsioners for England on the 7th instant with the Conference that followed on the ſubject of that Propoſal, their Lordships are hopefull that the Lords Commiſsioners for England are convinced of the reall difficulties occurring in that matter on the part of Scotland, and the Lords Commiſsioners for Scotland do find themselves still under an abſolute neceſsity for bringing to a happy Concluſion the Union of the two Kingdoms, to insist that a greater number than that of Thirty Eight be agreed to, as the Repreſentative for Scotland in the Houſe of Commons in a Parliament of Great Britain.

The Lord Keeper in name of the Lords Commiſsioners for England deliver'd to the Board the following Anſwer to the Propoſal made by the Lords Commiſsioners for Scotland the 11th instant which was read.

The Lords Commiſsioners for England having considered the Paper delivered in by the Lords Commiſsioners for Scotland on the 11th instant concerning Admiralty Jurisdiction, do agree to the first Propoſal therein contain'd with this Addition.

That the Admiralty Court propoſ'd to be continued in Scotland after the Union, shall be subject to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain.

The Lords Commiſsioners for England do likewiſe agree to the second Propoſal in the said Paper contain'd, touching heretable Rights of Admiralty and Vice Admiralties in Scotland with this Proviſion viz.

That theſe heretable Rights as to the manner of Exerciſing the same, shall be subject to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain.

Adjourn'd to Saturday the 15th instant one ℔ clock.

Saturday the 15th June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Roseberry	Lord Townsend
Earl of Glaſgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Roſs	Lord Sommers
Lord Preſident of Seſsion	Mr Speaker
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Henry Boyle Esqr
Sir Patrick Johnſton	Sir Edward Northey
Sir James Smallet	Sir Symon Harcourt
George Lockhart	Sir John Cook
William Morriſon	Doctor Waller
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commiſsioners for Scotland delivered to the Board the following Anſwer to the Paper deliver'd by the Lords Commiſsioners for England the 14th instant which was read.

The Lords Commiſsioners for Scotland having considered the Paper deliver'd by the Lords Commiſsioners for England on the 14th instant concerning Admiralty Jurisdictions, do agree to the same.

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England having taken into Consideration the Reply delivered the 7th instant by the Lords Commiſsioners for Scotland to the Anſwer of the Lords Commiſsioners for England to the Propoſal made by the Lords Commiſsioners for Scotland the 21st of May last for the effectual preventing the Exportation of Scotch Salt to England, or the Plantations, without paying the same Excifes with which English Salt is charg'd during the Exemption allowed to Scotland from the same Dutys, and as to salted Proviſions.

As to that part of the Reply which relates to the second Article in the said Anſwer concerning Salt not made in Scotland imported from thence into England; the Lords Commiſsioners for England did not intend that a double duty should be laid on forreign Salt exported from Scotland to England; And therefore the Lords Commiſsioners for England do agree to the Propoſal in the said Reply, That all forreign Salt imported into Scotland be charg'd at the importation there with the same Duties after the Union as the like Salt is charg'd with being imported into England to be levied and secured in the same manner, and to the further security, by Certificate therein propoſ'd to be sent with forreign Salt exported from Scotland into England.

And as to that part of the said Reply which relates to the third Article in the said Anſwer touching salted fish or flesh exported from Scotland into England and salted flesh made uſe of for victualling of Ships in Scotland, or exported from Scotland to parts beyond the seas, It appearing by the said Propoſal deliver'd by the Lords Commiſsioners for Scotland the 21st May

last that all fish and flesh barrelled in Scotland for exportation are by the law of Scotland appointed to be pack'd and cured with forreign Salt without any mixture of Scotch Salt; the Lords Commiſsioners for England do not insist on the said third Article in their said Anſwer, provided it be agreed, that all salted fish or flesh exported from Scotland to England, and all salted flesh made uſe of for victualling of Ships in Scotland, or put on Board to be exported from Scotland to parts beyond the Seas, that shall appear to be salted with Scotch Salt, or a mixture of such Salt shall be forfeited, and as such may be seiz'd in England or Scotland.

As to the last part of the Propoſal of the Lords Commiſsioners for Scotland that if the Duty on Salt take place in Scotland after the expiration of seven years, That then the Kingdom of Scotland shall have an Equivalent; the Lords Commiſsioners for England do understand that the Equivalent is only to be extended to such part of the Duties as shall be applyed to the payment of the Debts of England.

The Lord Keeper did also in name of the Lords Commiſsioners for England deliver to the Board the following Propoſal which was read.

The Lords Commiſsioners for England being aſsured by the Lords Commiſsioners for Scotland, that there will be found insuperable difficulties in reducing the Repreſentation of Scotland in the Houſe of Commons of the United Kingdom to Thirty Eight members, the number formerly propoſ'd by the Lords Commiſsioners for England; do, (to shew their inclinations to remove every thing that would of neceſsity be an obſtruction to the perfecting the Union of the two Kingdoms) Propoſe to the Lords Commiſsioners for Scotland That Forty Five Members and no more be the number of the Repreſentatives for that part of the United Kingdom now called Scotland in the Houſe of Commons of the United Kingdom after the intended Union.

And there being an absolute neceſsity that the number of Peers to be admitted into the Houſe of Lords of the United Kingdom for that part of the United Kingdom now called Scotland, be regulated in proportion to the number to be admitted into the Houſe of Commons; do Propoſe that Sixteen Peers be the Quota of Scotland in the Houſe of Peers of the Parliament of the United Kingdom after the intended Union.

Adjourn'd to Tuesday the 18th instant 6 in the evening.

Tuesday the 18th June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterburry
Earl of Mar	Lord Keeper
Earl of Loudoun	Lord Treaſurer
Earl of Sutherland	Earl of Pembroke
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somerset
Earl of Leven	Earl of Sunderland
Earl of Stair	Lord Townsend
Earl of Roſeberry	Lord Wharton
Earl of Glasgow	Lord Sommers
Lord Archibald Campbell	Marquis of Hartington
Lord Roſs	Mr Secretary Harley
Lord Preſident of Seſsion	Henry Boyle Esqr
Lord Justice Clerk	Sir Thomas Trevor
Mr Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir Symon Harcourt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Anſwer to the Propoſal made by the Lords Commiſsioners for England the 15th instant which was read.

The Lords Commiſsioners for Scotland having considered the Paper delivered by the Lords Commiſsioners for England the 15 instant containing a Propoſal that Forty Five members be the number of the Representatives of that part of the United Kingdom now called Scotland in the Houſe of Commons of the United Kingdom after the intended Union; and that Sixteen Peers be the Quota of Scotland in the Houſe of Peers in the Parliament of the said United Kingdom; and being most desireous to concurr in what is further neceſsary to finish this Treaty, and at the same time sensible of the difficulties on the part of the Lords Commiſsioners for England in that matter, do not insist for greater numbers (by virtue of this Treaty) of Repreſentatives in the Houſe of Peers, and the Houſe of Commons in the Parliament of Great Britain, than theſe propoſ'd by the Lords Commiſsioners for England; Providing that all the Peers of Scotland and their Succeſsors to their honours and dignities be from and after the Union, reckon'd & declar'd Peers of Great Britain, and that they enjoy in their respective degrees & orders, all other titles, dignities, præheminencies, immunities and priviledges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter.

And the Lords Commiſsioners for Scotland do further Propoſe that the Peers of Scotland for that time being, and their succeſsors, do at and after the Union, according to their different degrees & orders, enjoy the rank and precedency of all Peers to be thereafter created of the like orders and degrees in the said United Kingdom.

Adjourn'd to the 19th instant 12 a clock.

Wednesday the 19th June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Morton	Duke of Somerſet
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Sommers
Lord Roſs	Secretary Harley
Lord Preſident of Seſsion	Henry Boyle Esqr
Lord Justice Clerk	Sir Thomas Trevor
Mr Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir John Cook
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smallet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treaſurer in name of the Lords Commiſsioners for England deliver'd to the Board the following Paper which was read.

The Lords Commiſsioners for England having considered the two Propoſals made by the Lords Commiſsioners for Scotland in their Paper delivered the 18th instant, do agree to the same with the following Explanation, That all the Peers of Scotland and their Succeſsors to their honours and dignities be from and after the Union reckoned and declared Peers of Great Britain, and that they enjoy in their respective degrees and orders all other titles dignities præheminencies immunities and priviledges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter; Provided that no Peer who shall not then have the Right to sit in Parliament shall be capable of sitting upon the tryal of any Peer, and also that no Peer not having a Right to sit in Parliament, shall have priviledge of Parliament.

And also that the Peers of Scotland for the time being and their succeſsors do at and after the Union, according to their different degrees and orders, enjoy the rank and precedency of all Peers to be thereafter created of the like orders and degrees in the United Kingdom Provided always that it be understood that all persons who shall be Peers of England at the time of the Union shall for ever enjoy that rank and order of precedence of their respective degrees, before the same degrees of the Peers of Scotland.

The Lord Treaſurer did also in name of the Lords Commiſsioners for England Deliver to the Board the following Propoſal which was read.

The Lords Commiſsioners for England do Propoſe That from and after the Union the Coyn shall be of the same standard and value throughout the United Kingdom, as now in England, and the same Weights and Meaſures shall be uſed throughout the United Kingdom as are now established in England.

The Lord Treaſurer did likewiſe in name of the Lords Commiſsioners for England deliver to the Board the following Propoſal which was read.

The Lords Commiſsioners for England do Propoſe that all Laws & Statutes in either Kingdom which are contrary to, or inconsistent with the terms agreed on for uniting the two Kingdoms shall be repeal'd & made void.

Adjourn'd to Friday the 21st instant 12 a clock.

Friday the 21st June 1706.

PRESENT

Scot.	Eng.
Duke of Queensberry	Arch Bishop of Canterburry
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Lord Townsend
Lord Roſs	Lord Wharton
Lord Preſident of Seſsion	Lord Sommers
Lord Justice Clerk	Mr Speaker
Mr Francis Montgomery	Marquis of Hartington
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Henry Boyle Esqr
Sir James Smallet	Sir John Holt
William Morriſon	Sir Thomas Trevor
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Paper, which was read.

The Lords Commiſsioners for Scotland do agree to the Propoſal contain'd in the Paper delivered by the Lords Commiſsioners for England the 15th instant concerning the Duty on Salt with this Explanation, as to the last paragraph thereof, about the Equivalent, That seeing the whole Duties on Salt, are already appropriated for payment of the Debts of England, the Lords Commiſsioners for Scotland do understand that whenever the Duties upon Salt shall take place in Scotland, the ſums thence ariſing will be applicable to the payment of the debts of England, and thereby there will be an equivalent due to Scotland for the whole Duties to be levied on Salt there.

The Earl of Mar did also in name of the Lords Commiſsioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the Propoſal contain'd in the Anſwer delivered by the Lords Commiſsioners for England, concerning the Peers of Scotland, with this further Explanation, The Lords Commiſsioners for Scotland do understand, that by the Explanation contain'd in the said Paper delivered by the Lords Commiſsioners for England, all the Peers of Scotland are to be tryed as Peers of Great Britain, and enjoy all priviledges of peerage, excepting that of sitting in the Houſe of Lords and the priviledges depending thereon, to which Sixteen Peers to be sent from time to time from the Peers of Scotland to the Houſe of Lords of Great Britain, are only intituled; And the Lords Commiſsioners for Scotland do Propoſe That in the Tryalls of Peers in time of Adjournments or Prorogations of Parliament the Sixteen Peers who do then Repreſent the Peers of Scotland shall be ſummon'd in the same manner, and have the same powers and priviledges in such Tryals, as any other Peers of Great Britain, and that in the Tryals of Peers, when there is no Parliament in being, the Sixteen Peers repreſentatives from Scotland in the former Parliament shall be called in the same manner, and have the same powers & priviledges.

The Earl of Mar deliver'd also (in name of the Lords Commiſsioners for Scotland) to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland having considered the Propoſal delivered by the Lords Commiſsioners for England the 19th instant viz. That from and after the Union the Coyn shall be of the same standard and value throughout the United Kingdom as now in England, and the same Weights & Meaſures shall be uſed throughout the United Kingdom, as are now established in England; the Lords Commiſsioners for Scotland do agree to the same Provided that Consideration be had to the loſses privat persons may sustain in reducing the Coyn to the same standard as now establish'd in England, And also provided that from and after the Union the Mint at Edinburgh be always continued under the same Rules as the Mint in the Tower of London or elsewhere in the United Kingdom, and that the Standard of Weights and Meaſures for Scotland be kept by thoſe Burroughs within that part of the United Kingdom now called Scotland to whom the keeping of the Standards of Weights and Meaſures now in uſe in Scotland do's by special right and priviledge belong.

The Earl of Mar did likewiſe in name of the Lords Commiſsioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland having considered the Propoſal made by the Lords Commiſsioners for England the 19th instant that all Laws & Statutes in either Kingdom, which are contrary to, or inconsiſtent with the terms agreed on for uniting the two Kingdoms shall be repeal'd, and made void; do agree to the same.

The Earl of Mar did in name of the Lords Commiſsioners for Scotland deliver to the Board the following Propoſal which was read.

The Lords Commiſsioners for Scotland having by their Paper delivered the 9th May last, Propof'd that the Privat Right of Corporations and Companies should be reſerv'd to be considered in the course of this Treaty, their Lordships do now Propoſe That the Rights & Priviledges of the Company in Scotland trading to Affrica and the Indies established in Scotland by the 8th Act of Parliament 1695, and by the 13th Act of the Parliament 1701, do continue in force after the Union, or that if the priviledges of that Company shall be judg'd inconvenient for the Trade of the rest of the United Kingdom, That the privat Rights of the said Company in Scotland be purchas'd from the Proprietors.

The Earl of Mar did also in name of the Lords Commiſsioners for Scotland deliver to the Board the following Propoſal which was read.

The Lords Commiſsioners for Scotland do Propoſe to the Lords Commiſsioners for England, that all Ships belonging to her Majesty's Subjects in Scotland at the time of the Union (tho forreign built) shall be deem'd & paſs as ships of the built of Great Britain, The Owner or Owners, within twelve months after the Union, making oath that the same did belong to him or them at the commencement of the Union, and do's then belong to him or them, and that no forreigner directly, nor indirectly hath any share or part, or interest therein; which Oath shall be made before the chief Officer of the Customs, at the Port next the abode of the said Owner, or Owners, and the said Officer shall be impowred to administer the said Oath, and the oath being so adminiſtred shall be attested by the Officer who adminiſtred the same, and being regiſtred by the said Officer, shall be delivered to the Master of the Ship for security of her navigation, a Duplicat of which register shall be immediatly transmitted to the Commiſsioners of her Majesty's Customs in the Port of Edinburgh.

As to Ships built in Scotland before, or which shall be built there, after the Union, the Lords Commiſsioners for Scotland do make no seperat Propoſal seeing thoſe by the mutual agreements in this Treaty are to be subject to the same Regulations as in England, and consequently to the acts of navigation now in force.

Adjourn'd to Saturday the 22d instant one a clock.

Saturday the 22d June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Lord Preſident
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Lord Townsend
Earl of Weemyſs	Lord Sommers
Earl of Leven	Speaker of the Houſe of Commons
Earl of Stair	Secretary Harley
Earl of Roſeberry	Sir John Holt
Earl of Glasgow	Sir Thomas Trevor
Lord Archibald Campbell	Attorney General
Lord Preſident of Seſsion	Sir John Cook
Lord Justice Clerk	Doctor Waller
Mr Francis Montgomery	
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smollet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treaſurer in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England having considered the Paper concerning Salt deliver'd by the Lords Commiſsioners for Scotland 21st instant think themselves oblidged to inform their Lordships, That the whole Duties on Salt are not appropriated for payment of the Debts of England, The Duty of xij d a Bushel on Salt, tho' granted to the Crown in perpetuity is appropriated to the payment of Debts no longer than till the 1st August 1710.

That the remaining part of the Duty on Salt viz. 2 sh. & 4 d a Bushel is granted to the Crown in perpetuity, and is with other Duties appropriated for payment of 160,000 li per Annum to the East India Company redeemable by Parliament, and the ſuperplusage above that annual ſum is not appropriated to the payment of the Debts of England; and therefore the Lords Commiſsioners for England do think it neceſsary for them to insist upon what was exprest in their Paper deliver'd by them the 15 instant that when the Duty on Salt shall take place in Scotland, the Equivalent which the Kingdom of Scotland is to have, ought to be extended only to such part of the Duties on Salt, as shall be applyed to the payment of the Debts of England.

The Lord Treaſurer did likewiſe in name of the Lords Commiſsioners for England deliver to the Board the following Paper, which was read.

It appearing by a paper given in by the Lords Commiſsioners for Scotland the 21st instant, That the Lords Commiſsioners for England had not fully expreſs'd themselves in some part of a paper delivered by them on the 19th instant to the satisfaction of the Lords Commiſsioners for Scotland, and being desirous upon this and all other occaſions, to proceed with all poſsible cleerneſs, do make the following explanation of their meaning in that part of the said Paper.

They agree that all Peers of Scotland and their Succeſsors to their honours and dignities shall from and after the Union be reckoned and declared Peers of Great Britain, and shall be tryed as Peers of Great Britain, and shall enjoy the priviledges of Peers as fully as the Peers of England do now enjoy the same, or as they, or any other Peers of Britain may hereafter enjoy the same, except the right & priviledge of ſitting in the Houſe of Lords, and the priviledges depending thereon, and particularly the right of sitting upon the Tryalls of Peers.

They agree that the Sixteen Peers who are to sit in the Houſe of Lords of Great Britain for that part of the United Kingdom called Scotland, after the Union, shall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Britain shall have after the Union, and particularly the Right of sitting upon the Tryalls of Peers.

They agree that in caſe of the Tryal of any Peer in time of adjournment or prorogation of Parliament, The said Sixteen Peers shall be summon'd in the same manner and have the same powers & priviledges at such Tryalls, as any other Peers of Great Britain.

And they do further agree that in caſe any Tryalls of Peers shall hereafter happen, when there is no Parliament in being the Sixteen Peers of Scotland, who sat in the last preceeding Parliament shall be ſummon'd in the same manner, and have the same powers and priviledges at such Tryalls, as any other Peers of Great Britain.

The Lord Treaſurer did also in name of the Lords Commiſsioners for England deliver to the Board the following Paper which was read.

The Lords Commiſsioners for England do agree to the Propoſal delivered the 21st June by the Lords Commiſsioners for Scotland touching Ships belonging to her Majestys Subjects in Scotland with the Alterations following viz.

That all Ships belonging to her Majestys Subjects in Scotland at the time of signing the Treaty for the Union of the said Kingdoms, tho' forreign built, shall be deem'd and paſs as Ships of the built of Great Britain, the Owner, or Owners, within twelve

months after the Union making Oath that the same did belong to him, or them, at the signing the said Treaty, and doth then belong to him, or them, and that no forreigner directly nor indirectly, hath any share, or part, or interest therein; which Oath shall be made before the chief Officer, or Officers of the Customs in the Port, next the abode of the said Owner, or Owners; and the said Officer, or Officers shall be impowr'd to adminiſter the said Oath, and the Oath being so adminiſtred shall be attested by the Officer or Officers who adminiſtred the same, and being regiſtred by the said Officer or Officers shall be transmitted to the chief Officer, or Officers of the Customs in the Port of Edinburgh to be there enter'd in a Regiſter and from thence to be sent to the Port of London to be there enter'd in the General Register of all the trading ships belonging to Great Britain.

The Lord Treaſurer in name of the Lords Commiſsioners for England deliver'd to the Board the following Propoſal which was read.

The Lords Commiſsioners for England do Propoſe to the Lords Commiſsioners for Scotland, that from and after the Union there be one Great Seal for the United Kingdom of Great Britain to be used for sealing Writs to elect and summond the Parliament of Great Britain, and for sealing other publick and mandatory writs, publick Acts or Orders of State and Grants and such instruments relating to publick justice policy and government as are proper to be seal'd with a Great Seal; Yet nevertheleſs a Seal in Scotland shall after the Union be always kept and made uſe of in all things relating to privat Rights and justice in the same manner as the Great Seal is at this time uſ'd, but subject to such Regulations as the Parliament of Great Britain may hereafter make and untill such Seal shall be provided, the Great Seal of Scotland shall be uſed as at this time, in all things relating to privat rights and justice.

The Earl of Mar in name of the Lords Commiſsioners for Scotland delivered to the Board the following Propoſal which was read.

The Lords Commiſsioners for Scotland do propoſe, It be declared That the Laws and Acts of Parliament in Scotland, for pineing, curing, and packing of Herrings, White fish & Salmon for export beyond seas with forreign salt only, and for preventing of frauds in curing and packing of fishes be continued in force in Scotland after the Union, but subject to alterations by the Parliament of Great Britain; and that the same Eaſes Præmiums and Drawbacks be allowed after the Union for encouragement of such as shall export Fishes from Scotland beyond seas, as is now allowed by the laws of England to such as export the like fishes from England.

Adjourn'd to Tuesday the 25 instant one a clock.

Tuesday the 25th June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	[Arch] Bishop of Canterbury
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonſhire
Earl of Morton	Duke of Somerſet
Earl of Weemyſs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roſeberry	Earl of Carlisle
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townsend
Lord Roſs	Lord Wharton
Lord Preſident of Seſsion	Lord Sommers
Lord Justice Clerk	Speaker of the Houſe of Commons
Mr Francis Montgomery	Sir Charles Hedges
Sir David Dalrymple	Henry Boyle Esqr
Sir Alexander Ogilvie	Robert Harley Esqr
Sir Patrick Johnston	Sir John Holt
Sir James Smallet	Sir Thomas Trevor
William Morriſon	Sir Edward Northey
Alexander Grant	Sir John Cook
William Seton	Doctor Waller
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commiſsioners for Scotland delivered to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the last Explanation contain'd in the Paper delivered by the Lords Commiſsioners for England on the 22d instant concerning the Priviledges of the Peers of Scotland.

The Earl of Mar did also in name of the Lords Commiſsioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the Propoſal made by the Lords Commiſsioners for England on the 15 instant concerning the Duties on Salt, and do not insist on the Explanation propoſ'd by their Lordships the 21 instant in respect of what is repreſented in the Paper deliver'd by the Lords Commiſsioners for England on the 22d instant.

The Earl of Mar did likewiſe in name of the Lords Commiſsioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the Alteration made by the Lords Commiſsioners for England in the Propoſal deliver'd by the Lords Commiſsioners for Scotland touching Ships belonging to her Majesty's Subjects of Scotland with this further Explanation.

That all Ships belonging to her Majestys Subjects of Scotland at the time of signing this Treaty of the Union of the two Kingdoms tho' forreign built shall be deem'd and paſs as Ships of the built of Great Britain, the Owner, or where there are more Owners, one or more of them, within twelve months after the Union making Oath that the same did belong to him or them, or to some other subject or subjects of Scotland at the time of signing the said Treaty, and doth then belong to him or them, and that no forreigner directly nor indirectly, hath any share, or part, or interest therein, which Oath shall be made before the chief officers of the Customs in the Port next the abode of the said Owner, or Owners, and the said Officer, or Officers, shall be impowred to adminiſter the said Oath, and the Oath being so adminiſtred, shall be attested by the Officer or Officers who adminiſtred the same; and being regiſtred by the said Officer or Officers shall be delivered to the Master of the Ship for security of her Navigation, and a Duplicat thereof shall be transmitted by the said Officer or Officers to the Chief Officer or Officers of the Customs in the Port of Edinburgh, to be there enter'd in a Register and from thence to be sent to the Port of London to be there enter'd in the General Regiſter of all trading Ships belonging to Great Britain.

The Lord Treaſurer in name of the Lords Commiſsioners for England deliver'd to the Board the following Propoſal which was read.

The Lords Commiſsioners of the two Kingdoms having appointed a Committee consisting of a like number of each Commiſsion for adjusting the Equivalent to be allowed to Scotland for what that Kingdom should become lyable to anſwer towards payment of the Debts of England by reaſon of their having agreed to bear the same Duties of Customs and Exciſes upon all exciſable Liquors; and the said Committee having frequently met, and after a full enquiry having agreed amongst themselves, and severally reported to their respective Commiſsions, that the ſum of £398085. 10 sh. was the Equivalent to be anſwered to Scotland according to the proportion which the preſent Customs

and Excifes in Scotland do bear to the Customs & Excifes upon excifeable Liquors in England, And the Lords Commifsioners for England having considered & examin'd the said Report, do agree to the said fum.

The Lords Commifsioners for Scotland having also insifted That after the Union the Kingdom of Scotland becoming lyable to the English Duties of Customs and Excifes upon excifeable Liquors, as well upon that account, as upon the account of the Encreafe of Trade and People (which will be the happy confequence of the said Union) the said two Revenues will much improve, of which no prefent valuation can be made, yet nevertheleſs for the reafons aforefaid there ought to be a proportionable Equivalent allowed to Scotland; The Lords Commifsioners for England do agree that after the Union there shall be an account kept of the said Duties arifing in Scotland, to the end it may appear what ought to be allowed to Scotland as a proportionable Equivalent for such proportion of the said Encreafe, (according to the calculation aforefaid), as shall be applicable to the payment of the Debts of England.

The Lords Commifsioners for Scotland having also by their Paper delivered the 21 instant Propof'd that the rights & priviledges of the Company in Scotland trading to Affrica and the Indies, do continue after the Union, or if the priviledges of that Company be judg'd inconvenient for the Trade of the United Kingdom, that the privat Rights of the said Company in Scotland be purchas'd from the said Proprietors; The Lords Commifsioners for England in Anfwer thereto, Say they are of opinion that the continuance of that Company is inconsiftent with the good of Trade in the United Kingdom and consequently against the interest of Great Britain, And therefore they insift that it ought to be determined; But the Lords Commifsioners for England being sensible that the misfortunes of that Company have been the occasion of misunderftandings and unkindneſses between the two Kingdoms, and thinking it to be above all things desirable, that upon the Union of the Kingdoms the Subjects of both may be entirely united in affection, do therefore wish, that regard may be had to the expences and loſses of the particular members of the said Company in the manner hereafter mentioned, and they hope when the Lords Commifsioners for Scotland have considered how generally that undertaking was enter'd upon in Scotland, and consequently how universal that loſs was, they will readily agree to the Propofal.

The Lords Commifsioners for England do also think it of much consequence to England that it should be agreed in this Treaty, after what manner the Equivalent (which will amount to a great fum payable upon and after the Union) is to be paid and applyed, and being extremely defirous to bring the Treaty to a speedy Concluſion, and in order to that as soon as may be to settle and fix the matter of the Equivalent and the application thereof, do agree as followes, and do also make the following Propoſals to the Lords Commifsioners for Scotland.

The Lords Commifsioners for England do agree That upon compleating the Union the said fum of £398085. 10 sh. being agreed upon as the Equivalent for Scotland shall be granted to her Majesty for that uſe.

The Lords Commifsioners for England do also agree That upon the Account to be kept as aforesaid of the improvement of the Revenue of Customs and Excifes upon excifable Liquors in Scotland after the Union there shall be anfwered to Scotland an Equivalent in proportion to such part of the said Encreafe as shall be applicable to the payment of the Debts of England.

The Lords Commifsioners for England do also agree That an Equivalent shall be anfwered to Scotland for such other parts of the English Debts as that Kingdom may hereafter become lyable to pay by reaſon of the Union.

The Lords Commifsioners for England do propoſe for the further and more effectual anfwering the several Ends hereafter mentioned & propof'd, That from and after the Union the whole encrease of the Revenue of Customs and Excifes upon excifable Liquors in Scotland, over and above what the said Revenues do now yeeld, shall go and be applyed for the term of seven years to the uſes hereafter mentioned.

And upon the said agreements and propoſal the Lords Commifsioners for England do further propoſe That her Majesty be impowr'd to appoint Commifsioners who shall be accomptable to the Parliament of Great Britain for difpoſing the faid fum of 398085 li. 10 to be granted as aforsaid and also of all other moneys which shall arife upon the agreements and propoſal aforsaid to the purposes following 1° That out of the said fum of 398085 li. 10 sh. all the publick Debts of the Kingdom of Scotland, and also the Capital Stock or Fund of the Affrican and Indian Company of Scotland, together with the interest for the said Capital Stock after the Rate of 5 per Cent. per annum from the respective times of payment thereof shall be paid, and that immediatly upon such payment of the said Capital Stock and Interest, the said Company shall be difsolved and shall ceaſe; Provided nevertheleſs that from the time of paſsing the Act for raiſing the said fum of 398085 li. 10 the said Company shall neither trade nor give licence to trade.

The Lords Commifsioners for England do further Propoſe that after payment of the said publick debts and refunding the said Capital Stock in manner aforsaid, the overplus of the said fum of 398085 li. 10 sh. and also the whole improvement of the Revenue of Customs & Excifes upon excifable Liquors (above the prefent value) which shall arise during the term of seven years, from the commencement of the Union as aforesaid, together with the Equivalent which shall become due upon account of the improvement of the Customs and Excifes on Liquors in Scotland after the said seven years and all other fums which according to the agreement aforsaid may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable to anfwer for the Debts of England, may be applyed in the manner following.

That out of the same, what consideration shall be found neceſsary to be had for any loſses which privat persons may sustain in reducing the Coyn of Scotland to the Standard of England (mention whereof is made in another Paper delivered by the Lords Commifsioners for Scotland the 21 instant) may be made good, and afterwards the same shall be wholly employed towards encouraging and promoting the fisheries and such other manufacturies and improvements in that part of Britain called Scotland as may most conduce to the general good of the United Kingdom.

Adjourn'd to Wednesday the 26th instant 7 in the evening.

Wednesday the 26th June 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Orford
Earl of Roſeberry	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Sommers
Lord Viſcount Duplin	Speaker of the House of Commons
Lord Roſs	Marquis of Hartington
Lord Preſident of Seſsion	Sir Charles Hedges
Lord Juſtice Clerk	Robert Harley Esqr
Mr Francis Montgomery	Henry Boyle Esqr
Sir David Dalrymple	Sir John Holt

Sir Alexander Ogilvie
Sir Patrick Johnston
Sir James Smallet
William Morrifon
Alexander Grant
William Seton
John Clark
Daniel Stewart
Daniel Campbell

Sir Thomas Trevor
Sir Edward Northey
Sir Symon Harcourt
Sir John Cook
Doctor Waller

HER MAJESTY came to the Meeting and being seated in her Chair spoke to the Lords Commifsioners as followes

My Lords,

I am come hither once more to see what further Progrefs you have made in this Treaty, and to prefs a speedy Conclusion of it, in regard my Servants of Scotland cannot without great inconveniency be much longer absent from that Kingdom.

After which Her Majesty was pleas'd to direct that the Proceedings of the Commifsioners for both Kingdoms (from the time of her being here) should be read, which was accordingly done by the respective Secretaries, and then her Majesty went away.

Adjourn'd to Friday the 28 instant 6 in the evening.

Friday the 28th June 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Glasgow	Earl of Kingston
Lord Rofs	Earl of Orford
Lord Prefident of Sefsion	Lord Townsend
Lord Juftice Clerk	Lord Sommers
Mr Francis Montgomery	Speaker of the Houfe of Commons
Sir David Dalrymple	Marquis of Hartington
Sir Alexander Ogilvie	Sir Charles Hedges
Sir Patrick Johnston	Robert Harley Esqr
Sir James Smallet	Henry Boyle Esqr
William Morrifon	Sir John Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir Symon Harcourt
John Clark	Sir John Cook
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commifsioners for England delivered to the Board the following Paper which was read.

The Lords Commifsioners for England having confidered the Propofal made by the Lords Commifsioners for Scotland the 22d instant touching the continuance of the laws and acts of Parliament now in force in Scotland for preventing frauds in pineing curing and packing fish in Scotland; do agree to the same, And do likewife agree that fish exported from Scotland to parts beyond the seas after the Union shall have the same Eafes Præmiums and Drawbacks as are now allowed by the laws of England to such as export the like fish from England.

The Lord Keeper in name of the Lords Commifsioners for England also delivered to the Board the following Paper which was read.

The Lords Commifsioners for England do agree to the further Explanation contain'd in the Paper deliver'd by the Lords Commifsioners for Scotland the 25th instant concerning forreign built Ships belonging to her Majestys Subjects of Scotland, with this Addition that in the Oath propof'd to be made by one, or more owners of such Ship where there are more owners, the names of all the owners and the places of their abode shall be particularly mentioned.

The Lord Keeper in name of the Lords Commifsioners for England delivered to the Board the following Propofal which was read.

The Lords Commifsioners for England being defirous that no time be loft in perfecting this Treaty, do Propofe that four Commifsioners of each part be appointed to draw up into form, the Articles or Heads of this Treaty, upon the points already agreed or which hereafter shall be agreed in order to be sign'd and seal'd by the Commifsioners of both Kingdoms.

The Lord Chancellor in name of the Lords Commifsioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commifsioners for Scotland having considered the Propofal delivered by the Lords Commifsioners for England the 22d instant concerning the Great Seal, their Lordships do agree that there shall be a Great Seal for the United Kingdom of Great Britain to be ufed for sealing Writs to elect and summon the Parliament of Great Britain and for fealing all Treaties with Foreign Princes and States, and all publick Writs and Orders of State which concern the whole United Kingdom, and the Lords Commifsioners for Scotland do Propofe that the Great Seal of the United Kingdom be different from the Great Seals now ufed in either Kingdom, and that the quartering the Armes as may best suit the Union be left to her Majesty and that in the mean time the Great Seal of England be ufed as the Great Seal of the United Kingdom.

And the Lords Commifsioners for Scotland do further Propofe as a confequence of the refervations agreed to by the Lords Commifsioners for both Kingdoms of the laws and customs in Scotland, That a Seal in Scotland after the Union be always kept and made ufe of in all things relating to privat rights or grants which have ufually paft the Great Seal of Scotland, and which do only concern offices, grants, commifsions and privat rights within that Kingdom, And that the Privy Seal, Signet, Signet of the Justiciary Court, Quarter Seal and other Seals of Courts now in ufe in Scotland, be continued, but that the same be altered and adapted to the state of the Union as her Majesty shall think fit, and that the said Seals and all of them, and the Keepers of them shall be subject to such regulations as the Parliament of Great Britain shall hereafter make.

The Lords Commifsioners for Scotland do also Propofe That upon calling the first Parliament of Great Britain, and untill the said Parliament shall make further provifion therein, the following method be ufed in fummoning the members from Scotland to attend in both Houfes of Parliament of Great Britain viz. That a Writ under the Great Seal of the United Kingdom be ifsued out for fummoning the said members and that the said Writ be directed to such Court, Officer, or Office, and to be executed and return'd in such manner as in the Parliament of Scotland shall be settled, at or before ratifying the Treaty.

The Lord Chancellor did also in name of the Lords Commifsioners for Scotland deliver to the Board the following Paper which was read.

The Paper delivered by the Lords Commifsioners for England on the 25th instant concerning the Equivalent do's very much contribute to the bringing this Treaty to a conclufion, and the Lords Commifsioners for Scotland being ready to concurr on their part do agree to the same with the following Additions and Explanations.

1° And first where the saids Commifsioners for both Kingdoms have agreed that the fum of 398085 li. 10 is the Equivalent to be anfwered to Scotland, according to the proportions which the present Customs and Excife of Scotland do bear to the Cuftoms and Excifes upon excifable Liquors in England the Lords Com-

miſsioners for Scotland do Propoſe that the Accounts and Calculations, which lay before the Committee by which it do's appear from whence the forsaid sum do's arife, be enter'd in the Journal Books of this Treaty.

And where the Lords Commiſsioners for both Kingdoms have also agreed that an Account be kept of the Duties in Scotland ariſing from the Customs and Exciſes upon exciſable Liquors beyond the preſent Estimate To the end it may appear what ought to be allowed to Scotland as an Equivalent to such proportion of the said Encreaſe according to the Calculation aforeſaid, as shall be applicable for payment of the debts of England, The Lords Commiſsioners for Scotland do in like manner Propoſe that the Calculation of that proportion which lay before the Committee be enter'd in the Books of Journal of this Treaty.

And where the Lords Commiſsioners for both Kingdoms have agreed that upon compleating the Union the ſaid sum of 398085 li. 10 sh. being agreed upon as the Equivalent for Scotland shall be granted to her Majesty for that uſe, The Lords Commiſsioners for Scotland do understand it to be the meaning of the Lords Commiſsioners for England that the said sum be granted to her Majesty in the Parliament of England at, or before Ratifying the Treaty and do Propoſe that the sum be due and payable from the time of Ratification of the Union in both Parliaments.

And whereas it is agreed on both sides, that her Majesty be impowred to appoint Commiſsioners who shall be accountable to the Parliament of Great Britain for disposing of the said sum of 398085 li. 10 to be granted as aforsaid, and also of all other moneys that shall ariſe upon the agreements and proposal aforsaid to the purpoſes mentioned in the said Paper delivered by the Lords Commiſsioners for England on the 25th instant; the Lords Commiſsioners for Scotland do Propoſe that the forſaid Commiſsioners be not only impowred to call for, receive and dispoſe of the forsaid sum, to the purpoſes mentioned in the said Paper, but further that the said Commiſsioners be authoriz'd and impowred to inspect the Books of the several Collectors of the said Revenues of Customs and Exciſe, and of all other Duties from whence an equivalent may ariſe, and that the Collectors & Mannagers of the said Duties & Revenues be oblig'd to give to the said Commiſsioners subscrib'd authentick abbreviats of the produce of the several Revenues & Duties ariſing in their respective Diſtricts on account where an Equivalent may become due to Scotland, which Commiſsioners shall be oblig'd to keep Books containing accounts of the amount of the Equivalent, and how the same shall be dispoſed of from time to time, which Books shall be patent for inspection to all the ſubjects in Scotland, and that the said Commiſsioners have their office within the limits of the said Kingdom of Scotland.

The Lord Chancellor in name of the Lords Commiſsioners for Scotland delivered to the Board the following Propoſal which was read.

The Lords Commiſsioners for Scotland do Propoſe for removing of national distinctions between the two Kingdoms after the Union that the Croſses of St Andrew and St George be conjoyned when uſed in Flags, Banners, Standards and Ensigns both at sea and land.

The Lords Commiſsioners for Scotland withdrew and being return'd the Lord Chancellor in their Lordships names deliver'd to the Board the following Anſwer to the Propoſal delivered by the Lords Commiſsioners for England at this Meeting which was read.

The Lords Commiſsioners for Scotland do agree that four Commiſsioners of each part be appointed to draw up into form the Articles, or Heads of this Treaty and have nam'd for their part

The Lord Preſident of Seſsion
Lord Juſtice Clerk
Sir Alexander Ogilvie one of the Senators of the College of Justice
Sir David Dalrymple.

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England do nominate on their part to be of the Committee agreed to be appointed for drawing into form the Treaty of Union between the two Kingdoms the persons following

Attorney General
Solicitor General
Sir John Cook
Doctor Waller.

Agreed that the above named Committee consisting of four of each Commiſsion meet the morrow morning at ten a clock and that they have power to adjourn themselves.

Adjourn'd to Munday the 1st July at 6 in the evening.

Munday the 1st July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Weemyſs	Earl of Kingston
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Roſeberry	Lord Sommers
Earl of Glasgow	Speaker of the Houſe of Commons
Lord Roſs	Sir Charles Hedges
Lord Preſident of Seſsion	Robert Harley Esqr
Lord Justice Clerk	Henry Boyle Esqr
Mr Francis Montgomery	Sir John Holt
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir Symon Harcourt
Sir James Smallet	Sir John Cook
William Morriſon	Dr Waller
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England having considered the Answer delivered by the Lords Commiſsioners for Scotland the 21st June laſt to the Propoſal made by the Lords Commiſsioners for England the 19th of the same month, concerning the coyn weights and meaſures to be uſed throughout the United Kingdom; The Lords Commiſsioners for England do agree to the Proviſions contained in the said Anſwer, with this Addition, that the weights and meaſures for Scotland to be kept in the Burroughs of Scotland, to whom the keeping of the same does now belong, be sent down to the respective Burroughs from the Standard kept in the Exchequer at Westminster, and that a Mint be continued in Scotland under the same Rules as the Mint in England subject to such Regulations as the Parliament of Great Britain shall think fit.

The Lord Chancellor in name of the Lords Commiſsioners for Scotland delivered to the Board the following Paper, which was read.

The Lords Commiſsioners for Scotland having on the 25th June last deliver'd a further Explanation of their Propoſal delivered the 22d June concerning Ships belonging to her Majestys Subjects of Scotland, and the Lords Commiſsioners for England

having agreed to the said Explanation in their Lordships Paper deliver'd 28th June with an Addition thereto; the Lords Commiſsioners for Scotland do now agree to the said Addition.

Adjourn'd to Wedneſday 3 instant at 11 a clock.

Wednesday the 3d July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roſeberry	Earl of Carlisle
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townsend
Lord Roſs	Lord Somers
Lord Preſident of Seſsion	Speaker of the Houſe of Commons
Lord Juſtice Clerk	Henry Boyle Esqr
Mr Francis Montgomery	Sir John Holt
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treaſurer in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England have considered the Paper delivered by the Lords Commiſsioners for Scotland the 28th June last, and as to the first Propoſal therein contained viz. That the Great Seal of the United Kingdom be different from the Great Seal uſed in either Kingdom, and that the quartering of the Armes as may best suit the Union be left to her Majesty, & that in the mean time the Great Seal of England be uſed as the Great Seal of the United Kingdom; The Lords Commiſsioners for England do agree to the same.

And as to the second Propoſal, the Lords Commiſsioners for England do agree that a Seal shall after the Union be always kept in Scotland for the uſes and purpoſes therein contained, and that the Privy Seal, Signet, and the other Seals therein mentioned and now uſed in Scotland be continued; the same to be altered and adapted to the state of the Union as her Majesty shall think fit, and that the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make.

And instead of the last Propoſal the Lords Commiſsioners for England do Propoſe that upon calling the first Parliament of Great Britain, and untill the said Parliament shall make further Proviſion therein, the following method be uſed.

That a Writ do iſsue under the Great Seal of the United Kingdom of Great Britain directed to the Privy Council of that part of the United Kingdom now called Scotland commanding them to cauſe Sixteen Peers who are to sit in the Houſe of Lords to be ſummon'd to Parliament and Forty five Members to be elected to sit in the Houſe of Commons of the Parliament of the United Kingdom of Great Britain according to the agreements between the two Kingdoms in this Treaty, in such manner as in the Parliament of Scotland shall be settled, at or before ratifying the Treaty, and that the names of the perſons so ſummoned and elected shall be return'd by the Privy Council of Scotland into the Court from whence the said Writ did iſsue.

The Lord Treaſurer did alſo in name of the Lords Commiſsioners for England deliver to the Board the following Paper, which was read.

The Lords Commiſsioners for England having consider'd the Propoſal contain'd in the Paper delivered by the Lords Commiſsioners for Scotland the 28 June last, in anſwer to the several matters relating to the Equivalent mention'd in the Paper delivered by the Lords Commiſsioners for England, on the 25th of the same month; do agree to the Propoſal therein made concerning the Accounts & Calculations from whence the Equivalent did ariſe being enter'd into the Journal Books of this Treaty.

And the Lords Commiſsioners for England do likewiſe agree to the Propoſal contain'd in the same Paper concerning the calculation of the proportion of the encreaſe of Duties ariſing from Customs & Exciſes beyond the preſent Eſtimate being enter'd in the Journal Book of this Treaty.

And the Lords Commiſsioners for England do alſo agree to the Propoſal in the same Paper, that the ſum of 398085 li. 10 sh. agreed upon to be the Equivalent for Scotland shall be granted to her Majesty in the Parliament of England, at or before ratifying the Treaty, and that the same be due and payable from the time of Ratification of the Union in both Parliaments.

And the Lords Commiſsioners for England do also agree to what is further propoſ'd therein by the Lords Commiſsioners for Scotland concerning the Powers to be given to the Commiſsioners for diſpoſing of the Equivalent and the books and office to be kept by the said Commiſsioners.

The Lord Treaſurer did likewiſe in name of the Lords Commiſsioners for England deliver to the Board the following Paper, which was read.

The Lords Commiſsioners for England have conſidered the Propoſal made by the Lords Commiſsioners for Scotland the 28th June last for removing national distinctions, and do agree that the Croſses of St George and St Andrew be conjoyn'd when uſed in Flags, Banners, Standards and Ensigns both at sea and land with this Addition;

That the manner of conjoyning the said Croſses be left to her Majesty, and that the Ensigns Armorial of the United Kingdom be such as her Majesty shall appoint.

The Lord Chancellor in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the Additions contain'd in the Paper delivered by the Lords Commiſsioners for England the first instant concerning the Mint, Weights and Meaſures.

Adjourn'd to Thursday the 4 instant at 6 in the evening.

Thursday the 4th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Duke of Somerset
Earl of Morton	Earl of Sunderland
Earl of Weemyſs	Earl of Orford
Earl of Leven	Lord Townsend
Earl of Stair	Lord Sommers
Earl of Glasgow	Speaker of the Houſe of Commons
Lord Roſs	Marquis of Hartington
Lord Preſident of Seſsion	Sir Charles Hedges
Lord Justice Clerk	Henry Boyle Esqr
Mr Francis Montgomery	Sir John Holt

Sir Alexander Ogilvie	Sir Edward Northey
Sir David Dalrymple	Sir Symon Harcourt
Sir Patrick Johnston	Sir John Cook
Sir James Smallet	Doctor Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commiſsioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commiſsioners for England in their Paper of the 3d instant having agreed to the Propoſal made by the Lords Commiſsioners for Scotland the 28 June last, concerning the Seals, and having in the said Paper propoſ'd a Method to be uſed in calling the first Parliament of Great Britain; the Lords Commiſsioners for Scotland do agree to the said Propoſal.

The Lord Chancellor also in name of the Lords Commiſsioners for Scotland delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England having agreed to the Propoſal made by the Lords Commiſsioners for Scotland the 28th day of June last concerning the conjoyning the Croſses of St Andrew and St George, with an Addition viz. That the manner of conjoyning the said Croſses be left to her Majesty, and that the Ensigns Armorial of the United Kingdom be such as her Majesty shall appoint.

The Lords Commiſsioners for Scotland do agree to the said Addition.

The Lords Commiſsioners of both Kingdoms did agree to revive the Committee of Eleven of each side nominate the 1st of May last, and that they meet the morrow morning in order to the directing the Papers and calculations touching the Equivalent to be enter'd in the Journal Books of the Treaty.

Adjourn'd to Saturday the 6th instant at 11 a clock.

Saturday the 6th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Lord Treaſurer
Duke of Queensberry	Earl of Pembroke
Earl of Loudoun	Earl of Sunderland
Earl of Sutherland	Earl of Carlisle
Earl of Morton	Earl of Orford
Earl of Weemyſs	Lord Townsend
Earl of Leven	Lord Sommers
Earl of Stair	Speaker of the Commons
Earl of Glasgow	Marquis of Hartington
Lord Archibald Campbell	Sir Charles Hedges
Lord Roſs	Robert Harley Esqr
Lord Preſident of Seſsion	Henry Boyle Esqr
Lord Justice Clerk	Sir John Holt
Mr Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir Symon Harcourt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smallet	
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Pembroke Preſident of the Council, in name of the Lords Commiſsioners for England delivered to the Board the following Paper which was read.

The Lords Commiſsioners who are on the part of England of the Committee of Lords of both Kingdoms nominated the first of May last to consider matters to them referr'd having reported to us the Lords Commiſsioners for England That the said Committee had referred to six perſons the stating in what proportion the present Customs of Scotland as now let, do bear to the several Branches of that Revenue in England, and also in what proportion the present Exciſe upon Liquors in Scotland, as now let, do bear to the several Branches of that Revenue in England, in order to the stating of the Equivalent that would become due to Scotland for so much of the said two Revenues as should be apply'd towards the payment of the debts of England, which was accordingly done, as in N° 1. and that the said six persons had also by their Lordſhips directions prepared a Calculation what so much of the said two Revenues of Scotland as should be applyed towards payment of the Debts of England would produce in ready money as in N° 2. The said six perſons had also calculated that in caſe the said two Revenues should encreaſe (above what they are now let for) 1000 li. on the Customs and 1000 li. on the Exciſe how much thereof would contribute towards the payment of the Debts of England, and for which Scotland is to have an Equivalent as in N° 3. All which Papers their Lordships having now laid before us, We the Lords Commiſsioners for England do agree to the same, and that all the said Papers be enter'd by the respective Secretarys in the Journals of this Treaty.

Adjourn'd to Tuesday the 9th instant 5 in the evening.

Tuesday the 9th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Treaſurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Orford
Earl of Roſeberry	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Sommers
Lord Roſs	Mr Speaker
Lord Preſident of Seſsion	Marquis of Hartington
Lord Justice Clerk	Sir Charles Hedges
Mr Francis Montgomery	Robert Harley Esqr
Sir David Dalrymple	Henry Boyle Esqr
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir John Cook
Sir James Smallet	Doctor Waller
William Morriſon	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lords Commiſsioners of both Kingdoms agreed to revive the Committee of Eight who were nominate to draw up the Heads of the Treaty in form, and that they meet the morrow morning.

Adjourn'd to Thursday the 11 instant at 11 a clock forenoon.

Thursday the 11th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Somerset
Earl of Stair	Duke of Bolton
Earl of Roſeberry	Earl of Sunderland
Earl of Glasgow	Earl of Kingston
Lord Archibald Campbell	Earl of Orford
Lord Roſs	Lord Townsend
Lord Preſident of Seſsion	Lord Wharton
Lord Justice Clerk	Lord Sommers
Mr Francis Montgomery	Speaker of the Houſe of Commons
Sir David Dalrymple	Marquis of Hartington
Sir Alexander Ogilvie	Sir Charles Hedges
Sir Patrick Johnston	Robert Harley Esqr
Sir James Smallet	Henry Boyle Esqr
William Morriſon	Lord Chief Justice Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commiſsioners for England delivered to the Board the following Propoſals which were read.

The Lords Commiſsioners for England do Propoſe that the Union of both Kingdoms shall take place upon the first day of May 1707 And their Lordships do alſo Propoſe that if her Majesty on, or before the said first day of May shall declare under the Great Seal of England that it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England should be the Members of the respective Houſes of the first Parliament of Great Britain, for and on the part of England, Then the said Lords of Parliament of England & Commons of the present Parliament of England shall be the Members of the respective Houſes of the first Parliament of Great Britain, and her Majesty may by her royal Proclamation under the Great Seal of Great Britain appoint the said first Parliament of Great Britain to meet at such time & place as her Majesty shall think fit, Which time shall not be leſs than Forty two days after the date of such Proclamation, and the time & place of the meeting of such Parliament being so appointed, a Writ shall be immediatly iſsued under the Great Seal of Great Britain directed to the Privy Council of Scotland for the ſummoning the Sixteen Peers and for electing Forty five Members by whom Scotland is to be Repreſented in the Parliament of Great Britain, And the Lords of Parliament of England, and the Sixteen Peers of Scotland, such Sixteen Peers being ſummon'd and return'd in the manner agreed in this Treaty, and the members of the Houſe of Commons of the said Parliament of England, and the Forty five members for Scotland, such Forty five members being elected and return'd in the manner agreed in this Treaty shall aſsemble and meet respectively in the respective Houſes of the Parliament of Great Britain at such time and place as shall be so appointed by her Majesty, and shall be the two Houſes of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued if the Union of the two Kingdoms had not been made, unleſs sooner diſsolv'd by her Majesty.

And the Lords Commiſsioners for England do likewiſe Propoſe that every one of the said Sixteen Peers of Scotland and every one of the said Forty five members for Scotland, shall before they sit, or vote in the respective Houſes of Parliament of Great Britain, take the respective Oaths and subscribe the Declaration in the same manner as the Lords and Members of both Houſes of Parliament in England are oblig'd to take and subscribe, by virtue of any Act, or Acts of Parliament now in force in England upon the penalties therein contain'd.

Adjourn'd to Saturday the 13 instant 11 a clock forenoon.

Saturday the 13th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Biſhop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Weemyſs	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Orford
Earl of Glasgow	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Roſs	Lord Sommers
Lord Preſident of Seſsion	Speaker of the Houſe of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Sir Charles Hedges
Sir David Dalrymple	Robert Harley Esqr
Sir James Smallet	Henry Boyle Esqr
William Morriſon	Sir John Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commiſsioners for Scotland delivered to the Board the following Paper which was read.

The Lords Commiſsioners for Scotland do agree to the Paper delivered by the Lords Commiſsioners for England the 11th inſtant, with this Alteration to the first part of the said Paper, That whereas the said Commiſsioners for England do Propoſe that the first Parliament of Great Britain be appointed to meet at such time and place as her Majesty shall think fit, which time shall not be leſs than forty two days after the date of such Proclamation, as in the said Propoſal is mentioned; The Lords Commiſsioners for Scotland do Propoſe That the time for meeting of the said Parliament shall not be leſs than fifty days after the date of such Proclamation, And as to the second part of the said Propoſal the Lords Commiſsioners for Scotland do agree to the same in the Terms following, That every one of the Lords of Parliament of Great Britain, and every member of the Houſe of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwiſe direct, shall before they sit, or vote in the respective Houſes of the Parliament of Great Britain take the respective oaths appointed to be taken inſtead of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the Reign of the late King William & Queen Mary Intituled an Act for the abrogating of the Oaths of Allegiance & Supremacy and appointing other Oaths, and make, subscribe and audibly repeat the Declaration mentioned in an act of Parliament made in England in the 30th year of the Reign of King Charles the 2d Intituled An Act for the more effectual preſerving the Kings Perſon and Government by diſabling Papiſts from sitting in either Houſe of Parliament, and shall take and subscribe the oath mentioned in an Act of Parlia-

ment made in England in the first year of her Majestys Reign Intituled an Act to declare the alterations in the Oath appointed to be taken by the Act entituled An Act for the further security of his Majestys perſon and the succeſsion of the Crown in the Proteſtant line, and for extinguiſhing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abbettors, and for declaring the Aſsociation to be determined upon the penalties and disabilities in the said respective Acts contain'd; And the Lords Commiſsioners for Scotland do further Propoſe that theſe words *The Crown of this Realm* and *The Queen of this Realm* mentioned in the Oaths and Declaration contain'd in the forsaid Acts, which were intended to signify the Crown and Realm of England, may be understood of the Crown and Realm of Great Britain, united by the Acts of the respective Parliaments ratifying this Treaty, And that the Oaths and Declaration be taken and subſcrib'd by the Members of both Houſes of the Parliament of Great Britain, in that sense.

The Lords Commiſsioners for England withdrew and being return'd the Lord Keeper in their Lordships names delivered to the Board the following Paper which was read.

The Lords Commiſsioners for England having considered the Paper delivered at this Meeting by the Lords Commiſsioners for Scotland do agree to the several matters therein propoſed.

Adjourn'd to Tuesday 16 instant at 11 a clock forenoon.

Tuesday the 16th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Weemyſs	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roſeberry	Earl of Orford
Earl of Glasgow	Lord Townsend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Sommers
Lord Roſs	Speaker of the Houſe of Commons
Lord Preſident of Seſsion	Marquis of Hartington
Lord Justice Clerk	Sir Charles Hedges
Mr Francis Montgomery	Robert Harley Esqr
Sir David Dalrymple	Henry Boyle Esqr
Sir Patrick Johnston	Sir John Holt
Sir James Smallet	Attorney General
William Morriſon	Sir John Cook
Alexander Grant	Doctor Waller
John Clark	
Daniel Stewart	
Daniel Campbell	

The Draught of the Articles of Union was read by the respective Secretaries, and the Lords Commiſsioners of both Kingdoms ordered the same to be ingroſs'd against next Meeting.

Adjourn'd to Munday 22d instant at 5 in the evening.

Monday the 22d July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingston
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townsend
Lord Duplin	Lord Powlett
Lord Roſs	Lord Sommers
Lord Preſident of Seſsion	Speaker of the Houſe of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Marquis of Granby
Sir David Dalrymple	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smallet	Henry Boyle Esqr
William Morriſon	Lord Chief Justice Holt
Alexander Grant	Lord Chief Justice Trevor
William Seton	Attorney General
John Clark	Solicitor Generall
Daniel Stewart	Sir John Cook
Daniel Campbell	Doctor Waller

The Lords Commiſsioners for both Kingdoms signed and sealed the Instruments or Writings containing the Articles of Union conform to their respective Commiſsions.

Ordered that the respective Secretaries of each Commiſsion do sign each others Journals of the Proceedings.

Ordered that the respective Secretaries after signing their Journals enter in the Journals the Articles of the Treaty of Union.

Adjourn'd to Tuesday the 23 July 1706, at 12 a clock.

Tuesday the 23 July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterburry
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treaſurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Weemyſs	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roſeberry	Earl of Kingston
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townsend
Lord Duplin	Lord Powlett
Lord Roſs	Lord Sommers
Lord Preſident of Seſsion	Speaker of the Houſe of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Marquis of Granby
Sir David Dalrymple	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smallet	Henry Boyle Esqr
William Morriſon	Sir John Holt
Alexander Grant	Sir Thomas Trevor
William Seton	Attorney General
John Clark	Solicitor General
Daniel Stewart	Sir John Cook
Daniel Campbell	Doctor Waller

The Lords Commiſsioners for both Kingdoms went from the Cockpit to attend the Queen at St James's where the Lord Keeper in name of the Lords Commiſsioners for England made the following speech and preſented to her Majesty one of the sign'd and seal'd Instruments or Writings containing the Articles of Union on the part of England.

May it Please your Majesty

We the Commiſsioners appointed by your Majesty in purſuance of the Act of Parliament paſs'd in your Kingdom of England to treat concerning an Union of the two Kingdoms with the Commiſsioners for Scotland, do (according to our duty) humbly beg leave to preſent to your Majesty theſe the effects of our continued and faithfull Endeavours towards that end.

They are the Articles agreed upon between your Commiſsioners of both Kingdoms, as the Terms, or Conditions upon which the intended Union is to take place if your Majesty and the Parliaments of both Kingdoms shall think fit to approve and confirm the same.

In theſe we have come to an agreement on every point we judg'd neceſsary to effect a compleat and lasting Union, and we have endeavoured not to stir into any matter we had reaſon to think was not so.

And altho' we have unanimously carryed this Treaty thus far purely from a Conviction, that we have done therein, to God, your Majesty and our Countrys good service, yet we are far from thinking that what we have done, will, or ought to be of any weight, or authority elsewhere, but do moſt entirely submit theſe our labours to the high wisdom of your Majesty and both your Parliaments to stand, or fall, by the reason, justice and publick utility on which they are founded.

Your Majesty's royal preſence and seaſonable admonitions to us at the fittest junctures, were (we moſt thankfully acknowledge) a very great encouragement and aſsiſtance to us in the difficulties we met with.

Your Majesty's Glory is already perfect and the finishing this work is all that is wanting to compleat as well as secure the happineſs of so great a people as your subjects may now, without any arrogance, pretend to be.

May your Majesty live, not only to give a sanction of this univerſal bleſsing to all your people, but alſo to see, in a long and prosperous reign over us, the many immediat (or near) good effects of it; But as for that great and main consequence of it, for which your Majesty is making, by a moſt gracious and charitable foresight this only effectual proviſion, I mean the continuance of peace and tranquility in this Island upon a Deſcent of the Crown, instead of that bloodshed and distraction which would probably follow upon the fatal diviſion of it.

May we be so happy as never in our days to experiment the fitneſs of theſe meaſures your Majesty is now taking for that end: but may late, very late posterity only in that respect reap the advantage of them.

The Lord Chancellor of Scotland in name of the Lords Commiſsioners for Scotland made the following Speech, and preſented to her Majesty one of the sign'd and seal'd Instruments, or Writings, containing the Articles of Union on the part of Scotland.

May it please your Majesty

The Commiſsioners appointed by your Majesty for the Kingdom of Scotland to treat of an Union of your two Kingdoms of Scotland and England have commanded me to return your Majesty their moſt humble and dutifull acknowledgements for the honour your Majesty has conferred on them in employing them to negotiat this most important affair which is of the greateſt conſequence to all your Majesty's Subjects.

We have endeavoured to diſcharge this Trust with all fidelity and are now come humbly to lay before your Majesty the Articles and Conditions of Union which we have treated of and agreed upon, and do submitt them to your Majesty's Royal Conſideration.

It is a great satiſfaction to us that what we have concluded in this matter has been done with unanimity, and we muſt own that the knowledge we had of your Majesty's great concern for uniting your two Kingdoms, and the earneſtneſs with which your Majesty has been moſt graciouſly pleaſ'd to recommend it hath enabled us to bring this Treaty to a happy and speedy concluſion to the mutual satiſfaction of the Commiſsioners on both sides, and we ſhall eſteem it our greateſt happineſs, if what we have prepared be acceptable to your Majesty and ratified by the Parliaments of both Kingdoms, without which what we have done can be of no authority.

An Union of the two Kingdoms has been long wish'd for, it being so neceſsary for establiſhing the lasting peace happineſs & prosperity of both nations; And tho' it has been frequently endeavoured by your Majesty's Royall Predeceſsors without the desired succeſs, yet the glorious Succeſses with which God has bleſsed your Majesty's Endeavours for the happineſs of your people, make us hope that this great work is reſerv'd to be accomplished in your Majesty's Reign.

After which her Majesty was graciously pleased to make the following Speech.

My Lords

I give you many thanks for the great pains you have taken in this Treaty, and am very well pleas'd to find your endeavours and applications have brought it to so good a concluſion. The particulars of it seem so reaſonable, that I hope they will meet with approbation in the Parliaments of both Kingdoms. I wish therefore that my servants of Scotland may loose no time in going down to propoſe it to my Subjects of that Kingdom; and I shall always look upon it as a particular happineſs, if this Union, (which will be so great a ſecurity & advantage to both Kingdoms) can be accomplish'd in my Reign.

A STATE OF THE REVENUES AND PUBLICK INCOME OF THE KINGDOM OF ENGLAND, VIZ.

The Revenues appropriated for the better support of Her Majesty's Household and of the honour and dignity of the Crown (by an Act 1° Annæ Reginæ) during her Majesty's life.

	Per annum.	*Per annum.*
The Excife of 2sh. & 6d. per Barrel on Beer Ale &c. excluding 3700li. a week appropriated thereout for publick ufes, and including so much of the charges of management as is paid by the Cashier according to a medium of three years last past, amounts to - -	286,178 - -	
The further Subsidies of Tonnage & Poundage and other Duties upon Wines, Goods & Merchandizes imported (exclufive of Drawbacks by Debentures & Allowances for damag'd Goods) by a like medium is - - - - -	356,841 - -	
The Revenue of the General Letter Office, or Post Office, by a like medium including charges of management paid by the Receiver is - - - -	101,101 - -	
The Produce of the Fines arifing in the Alienation Office (including the neceſsary Expences of the Court of Chancery, and other charges borne thereout) is by a medium - -	4,804 - -	
The past Fines by a reſerved Rent on a Grant thereof in being is - -	2,276 - -	
The Produce of the Revenue arifing by Wine licences including charges of management by a medium is - - - - - -	6,314 - -	
Sheriffs Profers *communibus annis* about - - - -	1,040 - -	
Compoſitions in Exchequer by a medium of 3 years - - -	13 - -	
Seizures of uncuſtom'd and prohibited Goods the like - - -	13,005 - -	
The Revenue of the Dutchy of Cornwall conſifting of the Custom, Coynage Duty of Tin, Rents of Lands, Fines of Leases, & other Revenues certain and casual amount to about - -	9,869 - -	
The Revenue of the Principality of Wales about - - -	6,857 - -	
Other Revenues arifing by Rents of Lands and Fines of Leaſes &c. by a medium of what paid into the Exchequer in last 3 years amount to about - - -	2,906 - -	
So the Total of the Revenues reckoning upon a medium as aforsaid and including the said Charges of raiſing the same is about - - - -		691,204 - -
The other Publick Income		
Customs and Subſidies of Tonnage & Poundage by several Acts of Parliament continue till the 1 August 1710, and are appropriated for discharging such Debts or incumberances as in the said Acts are mentioned Theſe (excluding Drawbacks by Debentures Portage Bills & Allowances for damag'd Goods, and including charges of management paid by the Cashier) according to a medium of 3 years last past do produce about - - -	345,704 - -	
Impoſitions on Wines Vinegar Tobacco and East India Goods which continue to the said 1st August 1710 are appropriated for discharging of Debts as aforesaid, and excluding Drawbacks by Debentures and Allowances for damaged Goods by a like medium are about -	373,485 - -	
Additional Impoſitions on Goods & Merchandizes are continued and appropriated as aforesaid Theſe (excluding Drawbacks and Allowances) by a like medium produce - -	39,645 - -	
The Duties on Coals, Culm, & Cynders continued to the 30th September 1710 are appropriated to such uſes as in the Acts of Parliament for the same are mentioned by a like medium -	113,688 - -	
The 15li per Cent. on Muſlins, & the Duties on Coffee, Tea, Spices, Pictures &c. with the additional Duties lately impoſ'd thereon, and upon Callicoes, China Wares and unrated Drugs, are all granted & continued to the 24th of June 1710, and appropriated for repayment of Loans with interest; The former Duties by a medium of the last 3 years (excluding Drawbacks & Allowances for damaged Goods) produced 42475li and the new Duties are estimated at 74000li per annum which together is - - - - -	116,475 - -	
25 lib. per Cent. additional Duty on French Goods continueth for the reſidue of a term of 21 years from 28th February 1696, is applicable to any uſes of the war, and the produce thereof by a medium of the last three years, Excluding allowances for damag'd Goods is about -	10,794 - -	
Borne over,	£999,791 - -	691,204 - -

	Per annum.	*Per annum.*
Brought forward,	999,791 - -	691,204 - -
5 sh. per Ton on French Shipping granted the 12° Car. 2d, is to continue so long as the Duty of 50 Sols per Ton on English Shipping in France and 3 months longer and is applicable to any uſes of the war the medium of the last 3 years amounts to - - -	81 - -	
Plantation Duties granted 25° Car. 2d on Goods carried from one Plantation to another are not particularly appropriated but applyed to the uſes of the War, the said medium is -	877 - -	
4 & ¼ per Cent. in ſpecie ariſing in Barbadoes and the Leward Islands subject to an annuity payable to the heirs and aſsigns of the Earl of Kinnoull are applyed thereunto and towards the support of theſe Islands purſuant to an Addreſs of the Houſe of Commons in that behalf, a medium of the Produce of the said Duty by Sales thereof made herein the last 3 years is - - - - - -	6,459 - -	
Coynage Duty (being 10 sh. per Ton on Wines imported) is continued to the 1st of June 1708 and appropriated to the uſe of the Mint, and by a medium of 3 years (excluding Drawbacks & Allowances for damaged wine) is about - - - -	7,350 - -	
The Duties on Whale Fins & Scotch Linen continued till the 1st of August 1710 are appropriated for diſcharging of Loans & other debts (exclusive of drawbacks and allowances for damage) by a like medium may be - - - - -	10,939 - -	
½d Additional Tonnage and Poundage granted for 3 years from 8th March 1703 and applicable to the repayment of Loans & Interest and by another Act continued from the 8 March 1706 for 98 years for payment of certain annuities the produce thereof in the year ended at Christmas last (exclusive of Drawbacks & Allowances for damag'd Goods) was - -	81,746 - -	
¾d Additional Tonnage and Poundage granted for 4 years from the 8th of March 1704 are applicable to the repayment of Loans and Intereſt, the produce thereof may be estimated to be at least - - - - - -	160,000 - -	
3700 li a week to be taken out of the hereditary and temporary Exciſe on Beer Ale &c. is appropriated for payment of Interest to divers Bankers and others for moneys lent by them to King Cha: 2d redeemable on payment of a moiety of the principal and for annuities for several terms of years - - - - -	0192,400 - -	
ixd. per Barrell Excife on Beer Ale &c. by one Act of Parliament is to continue till 17 May 1713 and by another Act is granted for a further term of 95 years, the produce is appropriated in the first place for satisfying annuities on Lottery Tickets which will end at Michelmaſs 1710, and afterwards to the payment of annuities by a medium of last 3 years - -	0164,828 - -	
Another ixd. per Barrel Excife made perpetual for payment of Annuities to the Bank of England and other Annuities; This Grant not containing all the Duties given by the Act for the ixd. last mentioned will produce by a like medium - - - -	155,000 - -	
And one other ixd. per Barrel for 99 years from the 25 January 1692 is appropriated to payment of diverſe other Annuities the like - - - -	155,000 - -	
Duties on Low Wines and Spirits of the first Extraction continued till the 24 June 1710 are appropriated for repayment of Loans with Interest by a medium of last 3 years will make -	25,267 - -	
Duties on Mault Mum and Cyder have been continued from year to year for several years past and are computed at - - - - -	650,000 - -	
Memorandum In moſt years this Fund proves deficient.		
xii d. per Bushel on Salt granted 5° W. & M. in perpetuity is appropriated till the first of August 1710 towards payment of Debts and Incumberances (exclusive of Drawbacks for Salt and Fish exported) by the produce of the last year may be reckoned - - -	54,621 - -	
Borne foreward,	2,664,359 - -	691,204 - -

	Per annum.	*Per annum.*
Brought forward,	2,664,359 – –	691,204 – –
28 d. per Bushel on Salt granted 9° W. in perpetuity towards payment of Annuities after the Rate of 8 per Cent. to the Traders to India by a like computation	128,038 – –	
Rent of Hackney Coaches being 4 li per annum each for 700 Coaches, continues for the reſidue of a Term of 21 years from Midſummer 1694 is applied to the ſervice of the war and amounts to	28,000 – –	
Licences to Hawkers and Pedlars continued to 24 June 1710, are appropriated towards paying off Loans with Interest and by a medium of three years is	6,460 – –	
Stamp Duties on Vellom Parchment and Paper, part whereof continues till the 1st of August 1710 and is appropriated for repayment of Loans, The other part is granted in perpetuity towards payment of annuities to the Traders to India, by a medium of 3 years (excluding allowances for prompt payment) have produced	89,110 – –	
The Duties on Windows continued to the 1st of August 1710 for repayment of Loans and other Debts produce about	112,069 – –	
The Aid of iiij sh. in the Pound on Land &c. for the preſent year is aſcertain'd at	1,997,763 3 4½	
		5,000,599 3 4½
Total of the Incomes and Revenues		5,691,803 3 4½

Memorand. The Revenues of the first fruits and tenths by an Act of the 1st of Queen Anne were granted for Support of the Civil Government, but are not computed here, because they have been since given in perpetuity for the augmentation of the maintainance of the poor Clergy: And also the money arising by Prizes with the perquiſits of Admiralty, which have been both applyed to the Uſes of the War are not inserted in this Computation, becauſe the said Prizes ceaſe with the War And the Lord High Admiral hath relinquish'd his Droits of Admiralty for no longer time than the war lasts.

A STATE OF THE DEBTS OF THE KINGDOM OF ENGLAND, VIZ.

Principal Money borrowed on the several Funds undermentioned which remain at this time unsatisfied That is to say,

		£	ſ	d	
On ¼ths Customs granted	3° W. & M.	21,056	5	1½	
Additional Impoſitions	eodem anno	112,474	19	10½	
First iiij sh. Aid	4 W. & M.	17,500	–	–	
Second Quarterly Pole	5 W. & M.	34,565	13	4	
Stamp Duties	eodem anno.	66,949	7	8½	
Third iiij sh. Aid	6 W. & M.	53,603	7	3	
Duties on Marriages &c.	eodem anno	62,516	4	–	
Fourth iiij Aid	7 W.	103,039	–	8	
These are provided for by an Act of the 8th W. which continues several Funds therein mentioned to the 1st of August 1706.					471,704 17 11½
There also remains to discharge the Exchequer Bills iſsued by virtue of several Acts of Parliament (over and above 230000 li computed to be due for Interest) the principal ſum of		534,062	9	8	
To satisfy Loans on the iij sh. in the pound granted 8° W. (over and above 169000 li by computation for interest) the principal sum of		423,098	18	3½	
To satisfy Loans on the Duties on Paper, Vellom &c. granted for 2 years from the first of March 1696 anno octavo Willielmi, (besides 6160 li by computation for interest) the principal sum of		15,400	–	–	
To Discharge the Mault Tickets iſsued 8° W. (besides 254554 li for 6 years interest) the principal sum of		579,000	–	–	
To satisfy loans transferr'd to the Duties on Leather granted 8° W. for 3 years from 20th April 1697, (besides about 105000 li for interest) the principal sum of		504,438	–	–	
To satisfy Loans on the quarterly Poll granted 9° W. (besides about 73000 li for interest) the principal sum of		226,770	17	–	
To satisfy Loans on the iij sh. in the pound granted 10 W. (besides about 5200 li for interest the principal sum of		31,271	6	3½	
To compleat the payment wanting at Michaelmas 1701 on the yearly sum of 160000 li intended to be paid by the Act 9° W. out of certain Duties on Salt and Stampt Vellom to the Traders to India		70,872	11	1½	
Total of the Principal Sum		2,384,914	2	4½	
And the several computations of interest at this time due as above mentioned amount to		842,914	–	–	
These are provided for by an Act 1° Annæ by continuing several funds therein mentioned to the first of August 1710					3,227,828 2 4½
There is further owing on the following Fund viz.					
On Low Wines &c. granted	13° W. for 5 years the principal sum of	6,674	10	3	
Duties on Coals &c.	2° Annæ for 5 years from 14 [May] 1703	235,720	4	–	
¾d Tonnage and Poundage	eodem Anno for 3 years	55,236	4	6	
¾d Ditto	3° Annæ for 4 years from 8 March 1704	545,957	4	0½	
Low Wines &c.	eodem anno untill 1710	692,000	–	–	
These are Debts on Funds not yet expired and which are reckoned sufficient to satisfy the same					1,535,588 2 9½
		Borne foreward,			5,235,121 3 1½

			£	s	d
		Brought over,	5,235,121	3	1½
And					
On Dutys on Coals granted	9° W. for 5 years	16,000 – –			
Second ij sh. Aid	11 W.	12,733 6 8			
¾ iij sh. Aid	12 W.	9,753 12 –			
6 iiij sh. Aid	1° Annæ	42,399 5 –			
Subsidies or Capitation Duties	eod. anno	17,384 9 7			
The money resting unsatisfy'd on Debentures &c. were charg'd on the Irish forfeitures about		960,000 – –			
These are deficiencies not yet provided for by Parliament			1,058,270	13	3

Other Incumberances viz.

The ix d. per Barrel Excise which was granted for 99 years from the 25th January 1692 is charged with 124866 li per annum for annuities for which there was contributed 1,492,379 li 7 sh. and there being now about 13 years expired the remainder of the term may be estimated to be a present Incumberance of	1,484,575	–	–	
The same ix d. per Barrel is also charged with 7567 li per annum for annuities to the Contributors of 108100 li on the advantage of survivorship till the number of the survivors be reduced to seven, & then the share, or 7th part of each of them as they die to revert to the Crown; This Estate has an uncertain Termination but may be reckoned equal to a term of thirty years and so be an Incumberance of about	104,149	–	–	
The ix d. per Barrel Excise granted in perpetuity is charg'd to wit 5/7th parts thereof with 100000 li per annum to the Bank of England for 1,200000 advanced by them, This is redeemable on payment of the said principal sum as in the Act is mentioned	1,200,000	–	–	
And the remaining 2/7ths is charg'd with 15336 li 13 sh. 6 d. per annum for 176744 li 1 s. 9 d. contributed for those annuities which were at first purchas'd for one life & afterwards turned into Estates certain for 98 years from 25 January 1702 which by reason of the small time elaps'd may still be reckoned an Incumberance of	176,000	–	–	
And with the sum of 20030 li 1 sh. per annum for such of the Contributors of 170917 : 2 : 8 for annuities for 2 lives as are now in being & abating out of the said contribution money so much as was paid for annuities since fallen, the rest is an Incumberance of	166,917	2	8	
And also with 2093 : 10 : 4 per annum to such of the Contributors of 21235 li 4 : for annuities for 3 lives as are now in being and abating out of this Contribution so much as was paid for annuities of 30 li since fallen, there rests an Incumberance of	20,935	4	–	
The ix d. per Barrel Excise granted for 16 years from the 17 May 1697 is charg'd with the payment of 140000 li per annum upon Tickets commonly call'd the Million Lottery Tickets for the residue of a term which expires at Michaelmas 1710 And the said annuity being valued for the 4 years & ½ yet to come at a rebate of 6 per Cent. per annum compound interest is worth	538,185	–	–	
The 28 d. per Bushell on Salt, and the Additional Stamp Duties are granted in perpetuity and charg'd with the payment of 160000 li per annum to the Traders to India for 2 Millions advanced to the publick and is redeemable by Parliament upon paying the said	2,000,000	–	–	
The 3700 li a week payable out of the hereditary & temporary Excise is charg'd with 89855 li 16 sh. 0½ d. per annum for Bankers & others who lent 1328526 li to King Charles the 2d redeemable by Parliament upon payment of a Moiety of the said Principal which is	664,263	–	–	
And with 104745 li 10 6½ per annum for 1,569,664 li. 18 6 contributed for annuities for 99 years from Lady Day 1704	1,569,664	18	6	
And also with 46000 li per annum to the Contributors of 690,000 li for annuities for 99 years from Christmas 1705	690,000	–	–	
The ¼ Subsidy from 8 March 1706, and the ix d. per Barrel Excise (at present applicable to the payment of the Million Lottery Tickets) with an additional supply till those Funds come in are charged with 184242 li 14 sh. per annum to the Contributors of 2855761 li 16 sh. 2 d. for annuities for 99 years from Lady Day 1706	2,855,761	16	2	
			11,470,451	11	–
Total			17,768,842	17	3½

Memorand. That nothing is inserted in this Account as a Debt on any Land Tax, or Mault Duty which are annual grants, except where any of them have prov'd deficient.

Memorand. There is a claim made by the Assignee of the Earl of Kinoul of 17250 li out of the 4 & ½ per Cent. on account of arrears on an annuity of 1000 li incurred before her Majesties accession to the Crown.

A STATE OF THE PUBLICK REVENUE OF SCOTLAND AS IT NOW IS AND MAY AMOUNT TO.

	£	℔	d
The Excise on Ale and Beer is 2 sh. Sterlin per Scotch Gallon and now farm'd for 33500 li Sterlin, and if exacted in the same manner as in England may amount to	50,000	–	–
The Customs have been let at 34000 li, and are now in time of war let for 28500 li with a Condition in the Leafe that upon a peace the Lords of the Treafury may let a new leafe and may amount to	50,000	–	–
The Crown Rents about	5,500	–	–
The Cafualty of Superiorities and Compofitions at the Exchequer *communibus annis* about	3,000	–	–
The Post Office farm'd at 1194 li But if collected may amount to	2,000	–	–
The Impofitions for Coynage	1,500	–	–
Land Tax is now 36000 li And to make it equal with the iiij [sh.] per pound in England 'tis propofed to be	48,000	–	–
	160,000	–	–
The Debts due to the Army, Civil List, and other Charges of the Government about	160,000	–	–

AN ACCOUNT OF THE NEAT ANNUAL PRODUCE OF THE CUSTOMS IN ENGLAND from a mediam of 3 years ended at Michaelmas 1705, with the respective times, or terms for which they have continuance and the ufes for which they are severally appropriated or applyed viz.

For the Civil Government.		Neat Money *per Annum.* £	℔	d
Customs and Subsidies of Tonnage & Poundage granted 1° Annæ during her Majestys life		253,514	–	–
Several Branches not appropriated to the Payment of Debts viz.				
25 per Cent. additional Duty on French Goods for the remainder of a Term of 21 years from 28 Febr 1696 is applyed towards the services of the War	10,794 – –			
Coynage Duties continues to the 1st June 1708 and is appropriated to the ufes of the Mint	7,350 – –			
4½ per Cent. in Specie from Barbadoes and the Leward Islands is perpetual and applyed pursuant to an Addrefs of the Houfe of Commons towards the support of those Islands subject also to an annuity of 1000 li. per annum to the heirs and afsignes of the Earl of Kinnoul	6,459 – –			
Plantation Duties upon particular Commodities carried from one Plantation to another 25° Caroli 2di made perpetual not appropriated to any particular ufe	877 – –			
		25,480	–	–
These undermentioned are appropriated for payment of debts till first August 1710 tho' the said Debts charg'd thereon will by computation be paid off sooner.				
The Subsidy of Tonnage & Poundage granted 12° Car. 2di	292,139 – –			
Impofitions on Wines and Vineger granted 1° Jac: 2di	113,918 – –			
Impofitions on Tobacco ditto	100,338 – –			
Impofitions on East India Goods ditto	150,899 – –			
Additional Impofitions on several Goods & Merchandizes 4° Willielmi	38,548 – –			
Several Impofitions & Duties on Whale Finns & Scotch Linnen 9° Willielmi	10,629 – –			
		706,471	–	–

Other appropriated Branches

	£	ß	d
15 per Cent. on Muslins &c. granted by several former Acts, were by an Act, 3° Annæ continued to 24 June 1710, and by that Act doubled & several new Duties thereby granted from Febry 1704 to the said 24 June 1710, and made a Fund for borrowing £700000 at an interest of 6 per Cent. per annum And so much of the said Duties as is under the management of the Commissioners of the Customs, was estimated in Parliament to amount to about per annum	116,475	–	–
$\frac{3}{5}$ds Additional Tonnage and Poundage 3° Annæ for 4 years from 8 March 1704 are appropriated for repayment of Loans not exceeding 636957 li 4 0½ with Interest after the rate of 6 per Cent. per annum And by an Act 4° Annæ continued towards payment of annuities till 30 Septr 1710 by the nearest computation that can yet be made will produce at least	160,000	–	–
½ Tonnage & Poundage granted 2° Annæ for 3 years from 8th March 1703 and thereby made a Fund of Credit for 300000 li at an interest after the rate of 5 per Cent. per annum afterwards 4° Annæ continued for 98 years from 8th March 1706 together with ix d. per Barrel Excise appropriated towards payment of 184242 : 14 sh. per annum in annuities a medium of the produce thereof in the 3 years ended at Michaelmas 1705 is	79619	–	–

	Neat Money *per Annum.*		
Totals for the Civil Government	253,514	–	–
Unappropriated	25,480	–	–
Appropriated for Debts to 24 June 1710	116,475	–	–
For other Debts till 1st August 1710	706,471	–	–
For Ditto till 30th September 1710	160,000	–	–
For 98 years from 8 March 1706	79,619	–	–
Total per Annum	1,341,559	–	–

Duties on Coals, Culm and Cynders by an Act 1° Annæ continued from 14th May 1703 to 15 May 1708 and thereby charged with 500000 li and interest By another Act 4° Annæ continued to 30th September 1710 and appropriated towards payment of annuities Those Duties are collected at the Custom House and by a medium of three years ended at Michaelmas 1705 are per annum about	110,958	–	–

AN ACCOUNT OF THE PROPORTIONS WHICH THE PRESENT CUSTOMS OF SCOTLAND DO BEAR TO THE SEVERAL BRANCHES OF THAT REVENUE IN ENGLAND Exclusive of the Encreafe that may arise by the higher Duties, or greater Importations after the Union.

	£	ß	d					£	ß	d
English Customs	1,341,559	–	–				Scotch Customs	30,000	–	–
					Proportions					
For the Civil Government	253,514	–	–		5,669	–	–			
Unappropriated as to any Debts	25,480	–	–		570	–	–			
Appropriated for Debts till 24 June 1710	116,475	–	–	2,605	–	–				
Till 1st August 1710	706,471	–	–	15,798	–	–				
Till 30th September 1710	160,000	–	–	3,578	–	–	23,761	–		
For 98 years from 8th March 1706	79,619	–	–	1,700	–	–				
	1,341,559	–	–					30,000	–	–

AN ACCOUNT OF THE NEAT ANNUAL PRODUCE OF THE EXCISE ON BEER AND ALE IN ENGLAND from a medium of three years ending at Michaelmas 1705 with the respective times, or terms for which the several Branches thereof have continuance and the ufes to which they are severally appropriated or applyed, viz.

For the Civil Government

2 sh. & 6 d. per Barrel on Beer Ale &c. 15 d. whereof is to continue during her Majestys life, and the other 15 d. is hereditary, thefe during her Majestys life are appropriated towards defraying the charge of the Civil Government after a deduction of 3700 li a week appropriated thereout for payment of annuities, and by a medium of three years ended at Michaelmas 1705, The neat Produce into the Exchequer over and above the said 3700 li a week, will be - - - - - - 269,837 - -

For Annuities and other Publick Debts

3700 li a week to be taken out of the Hereditary and Temporary Excife, during her Majestys life and afterwards out of the Hereditary part for ever is appropriated for payment of

£ 39,855 16 ½ per annum to Bankers & others for interest after the Rate of £3 per Cent. for 1,328,526 li lent to King Charles the 2d Redeemable on payment of a moiety of the said Principal being 664263 li and for payment of

£104,742 10 6½ per annum for 99 years from Lady day 1704 for 1569664 li 18 sh. 6 d. contributed for annuities

£46,000 - - per annum for 99 years from Christmas 1705 for 690,000 li purchase money contributed for annuities

190,598 6 7

And the rest for Charges in paying the said annuities, In all - - 192,400 - -

ix d. per Barrel Excife granted 4° Willielmi for 99 years from 25 January 1692 is charged with 124866 li per annum for annuities for which there was contributed 1,492,379 li 7 sh. and with 7567 li per annum for 108,100 li advanced for annuities on the advantage of survivorship by a medium of the neat produce into the Exchequer in the said three years is - - - - - - 150,106 - -

Another ix d. per Barrel 5° Willielmi made perpetual is appropriated as follows, viz.

$\frac{1}{7}^{ths}$ thereof for payment of 100,000 li per annum to the Bank of England for 1,200,000 li advanced by them, which is redeemable on paying the principal sum as in the said act is mentioned, And

$\frac{2}{7}^{ths}$ with 15336 li 13 6 per annum for 176744 li 1 9 contributed for annuities which were at first purchased for single lives and afterwards turn'd into Estates certain for 89 years from 25th January 1702

And also with 20030 li 1 sh. per annum for 170917 li 2 sh. 3 d. advanced for annuities for two lives

And also with 2093 li 10 sh. 4 d. per annum for 21235 li 4 s. contributed for annuities for three lives, the produce of the ix d. by a medium of the said three years is - - - - 150,094 - -

And one other ix d. per Barrel for 16 years from 17 May continued 4° Annæ from 17th May 1713 for 95 years is appropriated for paying 140000 li per annum on Million Lottery Tickets for the remainder of a Term of 16 years which will end at Michaelmas 1710 and afterwards towards paying annuities amounting to 184,242 : 14 sh. per annum purchas'd for 99 years from Lady day 1706 The neat produce of this ix d. (which contains some additional duties on Brandy &c. not granted by the two former Acts) from a medium of the said three years is - - - - - - 159,898 - -

Low Wines and Spirits of the first Extraction continued by an Act 4° Annæ from 25th March 1706 to 24th June 1710 are appropriated towards repayment of 700,000 li authorized to be borrowed as well upon Credit of these Duties as upon an additional Duty of 15 li per Cent. on Muslins &c. The neat produce hereof by a like medium is 25,267 - -

Total - 677,765 - -

Out of which to be deducted so much as by the aforegoing neat produce will be more than sufficient to pay the abovementioned Annuities viz.

A Superplus of the ix d. per Barrel for the remainder of 99 years from 25 January 1692 - 17,673 - -

A Superplus of the ix d. for the Bank and others - - - 12,634 - -

A Superplus of the Lottery ix d. continued for Annuities with the ¼d Subsidy of Tonnage and Poundage - - - - - - 55,274 6 -

All which are unappropriated & amount to - - - - 85,581 6 -

And then the Total of the several Branches of Excife appropriated for payment of Debts is per Annum - 592,183 14 -

AN ACCOUNT OF THE PROPORTIONS WHICH THE PRESENT EXCISE UPON LIQUORS IN SCOTLAND DOTH BEAR TO THE SEVERAL BRANCHES OF THAT REVENUE IN ENGLAND Exclusive of the Encrease that may arife by the higher Duties, or greater Consumption after the Union.

	Li. sh. d.		Li.
English Excife per annum	947,602 - -	Scotch Excise per annum	33,500
		Proportions	
For the Civil Government	269,837 - -	9,539 - -	
Superplusages unappropriated	85,581 6 -	3,025 - -	
Appropriated for Debts			
£3700 a week for payment of Annuities for 99 years and in perpetuity redeemable by Parliament	192,400 - -	6,802 - -	20,936 - -
ix d. per Barrel for the remainder of 99 years from 25 January 1692	132,433 - -	4,682 - -	
ix d. per Barrel for the Bank &c.	137,460 - -	4,860 - -	
ix d. per Barrel for payment of Lottery Tickets and afterward for annuities	104,623 14 -	3,699 - -	
Low Wines till 24 June 1710	25,267 - -	893 - -	
	947,602 - -	33,500 - -	

AN ACCOUNT OF THE VALUE OF THE ANNUAL SUMS CONTRIBUTED OUT OF THE CUSTOMS OF SCOTLAND, (according to the present Produce thereof) towards the Anticipated Funds of the Customs of England, viz.

£2605 per Annum from the 25th March 1707 untill the 24th June 1710, Estimated in prefent money	7,577 - -
£15798 per Annum from 25th March 1707 to the first of August 1710, Estimated at	47,506 - -
£3578 per Annum from 25th March 1707 to the 30th September 1710 Estimated at	11,251 - -
£1780 per Annum from the 25th March 1707 for 98 years commencing the 8th of March 1708 at the Rate of 15 years and 3 months Purchase comes to	27,145 - -
	£93,479 - -

A COMPUTATION OF THE VALUE OF THE ANNUAL SUMS CONTRIBUTED OUT OF THE SCOTCH EXCISE (Estimated at 33500 li per annum) towards the Anticipated Excife Funds in England, viz.

6802 li. per annum out of the Excife in Scotland towards payment of Annuities for 99 years which are charg'd on the 3700 li a week arifing out of the Heriditary & Temporary Excife in England at 15 years 3 months purchase comes to	103,730 10 -
£4682 per annum contributed out of the Excife in Scotland towards payment of Annuities amounting to 132433 li per annum charg'd on ix d. per Barrel Excife in England whereof 124866 li per annum is for the remainder of a term of 99 years commencing 25 January 1692 and 7567 li per annum for lives with the advantage of survivorship, so that 4415 li of the 4682 li per annum will be for the remainder of the said term of 99 years and 267 li thereof for lives with the advantage of survivorship, and so much thereof as is for the remainder of a term of 99 years being rated at 15 years and 3 months purchase comes to 67,328 li 15 sh. and the remainder being deem'd of equal value with a term of 30 years comes to 3675 li In the whole	71,003 15 -
£4860 per annum contributed out of the Excife in Scotland towards payment of 137,460 li per annum charg'd on another 9 d. per Barrel Excife in England part in perpetuity, part for 99 years, part for 3 lives and part for 2 lives whereof 3536 li of the said 4860 li per annum will be in perpetuity, 542 li for 99 years 714 li for three lives and 708 li for two lives, so much as is in perpetuity and for 99 years being rated at 15 years and 3 months purchafe, so much as is for 3 lives being rated at 12 years purchafe and so much as is for 2 lives at 11 years purchafe amount in the whole at thofe rates to	70,865 10 -
£3699 per annum contributed out of the Excife in Scotland for payment of Annuities charged on another ix d. per Barrel Excife in England for 99 years at 15 years and 3 months purchafe comes to	56,409 15 -
893 li per annum contributed out of the Excife in Scotland for 3 years and 3 months commencing 25 March 1707, applicable as the Duty on Low Wines in England for that time is computed to be worth	2,597 - -
	304,606 10 -

If the Customs of Scotland now let at 30000 li per annum according to the stating of the Equivalent, do's contribute annually viz.

Towards	Payment of the Debt of England	23,761 - -
	Civil List	5,669 - -
	The General Expence, or Charge of the Nation	570 - -
		30,000 - -

Every 1000 li Encreafe on the said Customs will contribute to the aforsaid services viz.

Towards	Payment of the Debts of England	792 - -
	Civil List	189 - -
	The General Expence, or Charge of the Nation	19 - -
		£1,000 - -

If the Excife of Scotland now let at 33500 li per annum according to the stating of the Equivalent do's contribute annually viz.

Towards	Payment of the Debts of England	20,936 - -
	Civil List	9,539 - -
	The General Expence, or Charge of the Nation	3,025 - -
		33,500 - -

Every 1000 li Encreafe on the said Excife will contribute to the aforesaid services viz.

Towards	Payment of the Debts of England	625 - -
	Civil List	285 - -
	The General Expence or Charge of the Nation	90 - -
		£1,000 - -

In Purfuance of the Order of the Lords Commifsioners of both Kingdoms on the 22d instant for Signing the Books of Journals the same are accordingly sign'd this 25 day of July 1706 by Us

DAVID NAIRNE GEO: DODINGTON.

ARTICLES OF UNION Agreed on the Twenty Second day of July in the fifth year of the Reign of Her most Excellent Majesty ANNE by the Grace of God, QUEEN OF SCOTLAND ENGLAND FRANCE AND IRELAND Defender of the Faith &c. And in the year of our Lord One Thouſand Seven Hundred and Six, By the Commiſsioners Nominated on behalf of the Kingdom of Scotland, under Her Majestys Great Seal of Scotland bearing date the Twenty Seventh day of February last past, in purſuance of the Fourth Act, of the Third Seſsion of Her Majestys Current Parliament of Scotland, in the Fourth year of Her Majestys Reign, And the Commiſsioners nominated on behalf of the Kingdom of England, under Her Majestys Great Seal of England bearing date at Westminſter the Tenth day of April last past, In purſuanse of an Act of Parliament made in England the Third year of Her Majestys Reign to Treat of and concerning an UNION of the said Kingdoms. Which Articles are in all humility to be preſented to the Queens most Excellent Majesty, and Offered to the Consideration of the respective Parliaments of both Kingdoms purſuant to the said Acts and Commiſsions.

I. THAT the two Kingdoms of Scotland and England shall upon the first day of May next enſuing the date hereof, and for ever after be United into one Kingdom by the name of GREAT BRITTAIN and that the Enſigns Armorial of the said United Kingdom be such as Her Majesty shall appoint And the Croſses of St Andrew and St George be conjoyn'd in such manner as Her Majesty shall think fit, and us'd in all Flags, Banners Standards and Ensigns both at Sea and Land.

II. THAT the Succeſsion to the Monarchy of the United Kingdom of Great Brittain, and of the Dominions thereunto belonging after Her most Sacred Majesty and in default of Iſsue of her Majesty, be remain and continue to the most Excellent Princeſs SOPHIA Electoreſs and Dutcheſs Dowager of HANNOVER, and the Heires of Her body being Protestants, upon whom the Crown of England is Setled by an Act of Parliament made in England in the Twelfth year of the Reign of his late Majesty King William the Third Entituled an Act for the further Limitation of the Crown and better ſecuring the Rights and Libertys of the Subject, and that all Papiſts, and persons marrying Papiſts ſhall be Excluded from, and for ever incapable to Inherit, Poſſeſs or Enjoy the Imperial Crown of Great Brittain and the Dominions thereunto belonging, or any part thereof, and in every such Case the Crown and Government shall from time to time Deſcend to, and be Enjoyed by such person being a Protestant, as should have Inherited and Enjoyed the same, in caſe such Papist, or Person marrying a Papist was naturally Dead, according to the Proviſion for the deſcent of the Crown of England made by one other Act of Parliament in England in the first year of the Reign of their late Majestys King William and Queen Mary Entituled an Act Declaring the Rights and Libertys of the Subject, and Settling the Succeſsion of the Crown.

III. THAT the United Kingdom of Great Brittain be Repreſented by one and the same Parliament to be Stil'd the Parliament of Great Brittain.

IV. THAT all the Subjects of the United Kingdom of Great Brittain shall from and after the Union have full freedom and Intercours of Trade and Navigation to, and from any Port, or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging, And that there be a Communication of all other Rights Privileges and Advantages which do, or may belong to the Subjects of either Kingdom, Except, where it is otherwise Expreſsly agreed in these Articles.

V. THAT all Ships belonging to Her Majestys Subjects of Scotland at the time of Signing this Treaty for the Union of the two Kingdoms (tho' Forreign Built) shall be deem'd and paſs as Ships of the Built of Great Brittain, The Owner, or where there are more Owners, one or more of the Owners, within Twelve Months after the Union, making Oath that at the time of Signing the said Treaty the same did belong to him, or them, or to some other Subject, or Subjects of Scotland to be particularly nam'd, with the places of their respective abodes, and that the same doth then belong to him, or them, and that no Forreigner directly or indirectly hath any share, part, or interest therein Which Oath shall be made before the Chief Officer, or Officers of the Customs in the Port next to the abode of the said Owner, or Owners, And the said Officer, or Officers shall be Impowered to Adminiſter the said Oath, And the Oath being so Adminiſtred shall be attested by the Officer, or Officers who Adminiſtred the same, And being Regiſtred by the said Officer, or Officers shall be delivered to the Master of the Ship for security of her Navigation, and a Duplicat thereof shall be transmitted by the said Officer, or Officers, to the Chief Officer, or Officers of the Customs in the Port of Edinburgh to be there Entred in a Regiſter, and from thence to be sent to the Port of London, to be there Entered in the General Regiſter of all Trading Ships belonging to Great Brittain.

VI. THAT all parts of the United Kingdom, for ever, from and after the Union shall have the same Allowances and Encouragements, and be under the same Prohibitions Reſtrictions and Regulations of Trade, and lyable to the same Customs and Dutys on Import and Export, and that the Allowances, Encouragements, Prohibitions, Reſtrictions, and Regulations of Trade, and the Customs and Dutys on Import and Export, Settled in England when the Union Commences shall from, and after the Union, take place throughout the whole United Kingdom.

VII. THAT all parts of the United Kingdom be for ever, from and after the Union lyable to the same Exciſes upon all Exciſable Liquors, and that the Exciſe ſettled in England on such Liquors when the Union Commences take place, throughout the whole United Kingdom.

VIII. THAT From and after the Union all Forreign Salt which shall be Imported into Scotland shall be Charg'd at the Importation there with the same Dutys as the like Salt is now Charged with being Imported into England and to be Levied and Secur'd in the same manner, But Scotland shall for the space of Seven Years from the said Union, be Exempted from the paying in Scotland for Salt made there, the Duty, or Exciſe, now payable for Salt made in England, but from the Expiration of the said Seven Years shall be Subject and Lyable to the same Dutys for Salt made in Scotland, as shall be then payable for Salt made in England to be Levied and Secur'd in the same manner, and with the like Drawbacks and Allowances as in England, And during the said Seven years, there shall be paid in England for all Salt

made in Scotland, and Imported from thence into England, the same Dutys upon the Importation as shall be payable, for Salt made in England to be Levied, and Secur'd in the same manner as the Dutys on Forreign Salt are to be Levied and Secur'd in England, And that during the said Seven years, no Salt whatsoever be brought from Scotland to England by Land in any manner, under the penalty of forfeiting the Salt and the Cattle and Carriages made uſe of in bringing the same and paying Twenty Shillings for every Bushel of such Salt, and proportionably for a greater or leſser quantity for which the Carrier, as well as the Owner shall be lyable joyntly and severally and the person bringing or carrying the same, to be Impriſon'd by any one Justice of the Peace by the space of Six Months without Bail; and untill the penalty be paid, And that during the said Seven years, all Salted Flesh, or Fish, Exported from Scotland to England, or made uſe of for Victwalling of Ships in Scotland, and all Flesh put on board in Scotland to be Exported to parts beyond the Seas which shall be Salted with Scotch Salt or any mixture therewith, shall be forfeited and may be Seiz'd, And that from and after the Union the Laws and Acts of Parliament in Scotland for Pineing, Curing and Packing of Herrings White Fish and Salmon for Exportation, with Forreign Salt only, and for preventing of Frauds in Cureing and Packing of Fish be Continued in Force in Scotland subject to such alterations, as shall be made by the Parliament of Great Brittain, and that all Fish Exported from Scotland to parts beyond the Seas which shall be Cur'd with Foreign Salt only, shall have the same Eaſes Præmiums and Drawbacks as are, or shall be allowed to such perſons as Export the like Fish from England, and if any matters or fraud relating to the said Dutys on Salt shall hereafter appear which are not sufficiently provided against by this Article, the same shall be subject to such further Proviſions as shall be thought fit by the Parliament of Great Brittain.

IX. THAT whenever the Summe of One Million Nine Hundred Ninty Seven Thouſand Seven Hundred and Sixty three pounds Eight Shillings and Four pence half penny, shall be Enacted by the Parliament of Great Brittain, to be raised in that part of the United Kingdom now call'd England on Land and other things uſually Charg'd in Acts of Parliament there for granting an Aid to the Crown by a Land Tax, That part of the United Kingdom now called Scotland, shall be Charged by the same Act, with a further Summe of Forty Eight Thouſand pounds, free of all Charges, as the Quota of Scotland to such Tax, and so proportionably for any greater, or leſser Summe raiſed in England by any Tax, on Land, and other things uſually Charg'd together with the Land And that such Quota for Scotland, in the Caſes aforesaid be rais'd and collected in the same manner as the Ceſs now is in Scotland, But subject to such Regulations in the manner of Collecting as shall be made by the Parliament of Great Brittain.

X. THAT during the Continuance of the respective Dutys on Stampt Paper, Vellome and Parchment by the several Acts now in force in England, Scotland shall not be Charg'd with the same respective Dutys.

XI. THAT during the Continuance of the Dutys payable in England on Windows and Lights which Determins on the first day of August One Thouſand Seven Hundred and Ten, Scotland shall not be Charged with the same Dutys.

XII. THAT during the Continuance of the Dutys payable in England on Coales Culm, and Cynders which determins the Thirtieth day of September One Thouſand Seven Hundred and Ten, Scotland shall not be Charg'd therewith for Coales Culm and Cynders consum'd there, But shall be charg'd with the same Dutys as in England, for all Coal, Culm, and Cynders not conſum'd in Scotland.

XIII. THAT during the Continuance of the Duty payable in England on Mault which determins the Twenty fourth day of June one Thouſand Seven Hundred and Seven, Scotland shall not be Charg'd with that Duty.

XIV. THAT the Kingdom of Scotland be not Charg'd, with any other Dutys laid on by the Parliament of England before the Union Except thoſe Consented to in this Treaty, in regard it is agreed that all neceſsary Proviſion shall be made by the Parliament of Scotland for the Publick Charge and Service of that Kingdom for the year One Thouſand Seven Hundred and Seven Provided neverthelefs that if the Parliament of England shall think fit to lay any further Impoſitions by way of Customs, or such Exciſes with which by virtue of this Treaty Scotland is to be Charg'd Equally with England In ſuch Caſe Scotland shall be Lyable to the same Customs and Exciſes and have an Equivalent to be Settled by the Parliament of Great Brittain and ſeing it cannot be supposed that the Parliament of Great Brittain will ever lay any sorts of Burthens upon the United Kingdom, but what they shall find of neceſsity at that time for the preſervation and good of the whole and with due regard to the Circumstances and Abilitys of every part of the United Kingdom, Therefore it is agreed that there be no further Exemption inſiſted on for any part of the United Kingdom, But that the Consideration of any Exemptions beyond what are already agreed on in this Treaty shall be left to the Determination of the Parliament of Great Brittain.

XV. WHEREAS by the Terms of this Treaty the Subjects of Scotland for preſerving an equality of Trade throughout the United Kingdom, will be lyable to several Cuſtoms and Exciſes now payable in England which will be applicable towards payment of the Debts of England Contracted before the Union, It is agreed that Scotland shall have an Equivalent for what the Subjects thereof shall be so Charg'd towards Payment of the said Debts of England in all particulars whatsoever in manner following vizt That before the Union of the said Kingdoms the ſumme of Three Hundred Ninty Eight Thouſand and Eightie Five pound Ten shillings be Granted to her Majesty by the Parliament of England for the uſes aftermentioned being the Equivalent to be anſwer'd to Scotland for such parts of the said Cusoms and Exciſes, upon all Exciſable Liquors, with which that Kingdom is to be Charg'd upon the Union, as will be applicable to the payment of the said debts of England according to the proportions which the preſent Customs in Scotland being Thirty Thouſand pounds p^{r} Anñ do bear to the Customs in England Computed at One Million Three Hundred Forty one Thouſand Five Hundred and Fifty nine pounds p^{r} Anñ and which the preſent Exciſes on Exciſable Liquors in Scotland being Thirty Three Thouſand and Five Hundred pounds p^{r} Anñ do bear to the Exciſes on Exciſable Liquors in England Computed at Nine Hundred Forty Seven Thouſand Six Hundred and Two Pound p Anñ Which ſumme of Three Hundred Ninty Eight Thouſand Eighty five pounds Ten shillings shall be due and payable from the time of the Union, And in regard that after the Union Scotland becoming lyable to the same Customs and Dutys payable on Import and Export, and to the same Exciſes on all Exciſable Liquors as in England, as well upon that account, as upon the account of the Encreaſe of Trade and People (which will be the happy consequence of the Union) the said Revenues will much Improve beyond the before mentioned annual Values thereof, of which no preſent Estimate can be made, Yet neverthelefs for the reaſons aforesaid there ought to be a proportionable Equivalent answered to Scotland, It is agreed That after the Union there shall be an Account kept of the said Dutys ariſing in Scotland, to the End it may appear what ought to be anſwer'd to Scotland as an Equivalent for such proportion of the said Encreaſe as ſhall be applicable to the payment of the Debts of England, And for the further, and more Effectual anſwering the several ends here-

after mentioned It is agreed That from and after the Union the whole Encreaſe of the Revenues of Cuſtoms and Dutys on Import and Export and Exciſe upon Exciſable Liquors in Scotland, over and above the annual produce of the ſaid respective Dutys as above ſtated ſhall go, and be apply'd for the Term of ſeven years to the uſes hereafter mentioned And that upon the ſaid account there ſhall be anſwered to Scotland annually from the end of Seven years after the Union, an Equivalent in Proportion to ſuch part of the ſaid Encreaſe as ſhall be applicable to the Debts of England, And whereas from the Expiration of Seven years after the Union, Scotland is to be lyable to the ſame Dutys for Salt made in Scotland as ſhall be then payable for Salt made in England It is agreed that when ſuch Dutys take place there an Equivalent ſhall be anſwered to Scotland for ſuch part thereof as ſhall be apply'd towards payment of the Debts of England of which Dutys an Account ſhall be kept to the end it may appear what is to be anſwered to Scotland as the ſaid Equivalent, And generally that an Equivalent ſhall be anſwered to Scotland for ſuch parts of the Engliſh Debts as Scotland may hereafter become lyable to pay by reaſon of the Union other then ſuch for which Appropriations have been made by Parliament in England, of the Cuſtoms, or other Dutys on Export, or Import Exciſes on all Exciſable Liquors, or Salt, In reſpect of which Debts, Equivalents are herein before provided And as for the Uſes to which the ſaid Summe of Three Hundred Ninty Eight Thouſand Eighty five pounds Ten Shillings to be granted as aforeſaid, and all other moneys which are to be anſwered or allowed to Scotland as aforeſaid It is agreed That out of the ſaid Sume of Three Hundred Ninty Eight Thouſand Eighty five pound Tenn Shillings all the publick Debts of the Kingdom of Scotland, And alſo the Capital Stock, or Fund of the Affrican and Indian Company of Scotland advanc'd, together with the Intereſt for the ſaid Capital Stock after the Rate of Five pounds p Cent. p Añ from the reſpective times of the Payment thereof ſhall be paid, upon payment of which Capital Stock and Intereſt, It is agreed the ſaid Company be diſolv'd and ceaſe, and alſo That from the time of paſsing the Act of Parliament in England for raiſing the ſaid Summe of Three Hundred Ninty Eight Thouſand Eighty five pounds Tenn Shillings the ſaid Company ſhall neither Trade, nor Grant Licence to Trade, And as to the Overplus of the ſaid Sume of Three Hundred Ninty Eight Thouſand Eighty five pound Ten Shillings, after the payment of the ſaid Debts of the Kingdom of Scotland, and the ſaid Capital Stock and Intereſt, and alſo the whole Encreaſe of the ſaid Revenues of Cuſtoms Dutys and Exciſes, above the preſent Value which ſhall ariſe in Scotland during the ſaid Term of Seven Years Together with the Equivalent which ſhall become due upon Account of the Improvement thereof in Scotland after the ſaid Term, And alſo as to all other ſums, which according to the agreements aforſaid may become payable to Scotland by way of Equivalent for what that Kingdom ſhall hereafter become lyable towards payment of the Debts of England, It is agreed That the ſame be apply'd in manner following vizt That out of the ſame, what Conſideration ſhall be found neceſsary to be had for any loſses which privat perſons may ſustain by reducing the Coyn of Scotland to the Standard and Value of the Coyn of England may be made good, And afterwards the ſame ſhall be wholly applyed towards Encourageing and Promoting the Fiſheries and ſuch other Manufacturys and Improvements in Scotland as may moſt Conduce to the General Good of the United Kingdom, And It is agreed that Her Majeſty be Impowred to appoint Commiſsioners who ſhall be accountable to the Parliament of Great Brittain for diſpoſing the ſaid Summe of Three Hundred, Nynty Eight Thouſand Eighty five pounds Ten Shillings and all other moneys which ſhall ariſe to Scotland upon the agreements aforſaid, to the purpoſes before mentioned Which Commiſsioners ſhall be Impowred to Call for, Receive and Diſpoſe of the ſaid moneys in manner aforeſaid, And to Inſpect the Books of the ſeveral Collectors of the ſaid Revenues, and of all other Dutys, from whence an Equivalent may ariſe, And that the Collectors and Mannagers of the ſaid Revenues and Dutys be Obliged to give to the ſaid Commiſsioners Subſcribed Authentick Abbreviats of the Produce of ſuch Revenues and Dutys ariſing in their reſpective Diſtricts, And that the ſaid Commiſsioners ſhall have their Office within the Limits of Scotland, and ſhall in ſuch Office Keep Books containing Accounts of the Amount of the Equivalents, and how the ſame ſhall have been diſpoſed of from time to time which may be Inſpected by any of the Subjects who ſhall deſire the ſame.

XVI. THAT from and after the Union the Coyn ſhall be of the ſame Standard and Value throughout the United Kingdom as now in England, And a Mint ſhall be Continued in Scotland under the ſame Rules as the Mint in England Subject to ſuch Regulations as Her Majeſty, Her Heires, or Succeſsors, or the Parliament of Great Brittain ſhall think fit.

XVII. THAT from and after the Union the ſame Weights and Meaſures ſhall be uſed throughout the United Kingdom, as are now Eſtabliſhed in England, and Standards of Weights and Meaſures ſhall be Kept by thoſe Burroughs in Scotland to whom the keeping the Standards of Weights and Meaſures now in uſe there do's of Special Right belong, All which Standards ſhall be ſent down to ſuch reſpective Burroughs from the Standards kept in the Exchequer at Weſtminſter Subject nevertheleſs to ſuch Regulations as the Parliament of Great Brittain ſhall think fit.

XVIII. THAT the Laws Concerning Regulation of Trade, Cuſtoms and ſuch Exciſes to which Scotland is, by virtue of this Treaty to be lyable, be the ſame in Scotland, from and after the Union as in England And That all other Laws in uſe within the Kingdom of Scotland doe after the Union and notwithſtanding thereof remain in the ſame force as before (Except ſuch as are Contrary to, or Inconſiſtent with the Terms of this Treaty) but alterable, by the Parliament of Great Britain, with this difference betwixt the Laws concerning Publick Right, Pollicy and Civil Government, and thoſe which concern privat Right, That the Laws which concern Publick Right, Policy and Civil Government may be made the ſame throughout the whole United Kingdom, But that no alteration be made in Laws which Concern Privat Right Except for evident utility of the Subjects within Scotland.

XIX. THAT the Court of Seſsion, or College of Juſtice do, after the Union and notwithſtanding thereof Remain, in all time coming within Scotland, as it is now Conſtituted by the Laws of that Kingdom, and with the ſame Authority and Priviledges as before the Union, Subject nevertheleſs to ſuch Regulations for the better Adminiſtration of Juſtice, as ſhall be made by the Parliament of Great Brittain, And That the Court of Juſticiary do alſo after the Union, and notwithſtanding thereof, remain in all time coming within Scotland as it is now Conſituted by the Laws of that Kingdom And with the ſame Authority and Priviledges as before the Union, Subject nevertheleſs to ſuch Regulations as ſhall be made by the Parliament of Great Brittain And without prejudice of other Rights of Juſticiary, And That all Admiralty Juriſdictions, be under the Lord High Admiral, or Commiſsioners for the Admiralty of Great Brittain for the time being And that the Court of Admiralty now Eſtabliſhed in Scotland be Continued, And that all Reviews, Reductions, or Suſpenſions of the Sentences in Maritim Caſes Competent to the Juriſdiction of that Court remain in the ſame manner after the Union, as now in Scotland, untill the Parliament of Great Brittain ſhall make ſuch Regulations and Alterations as ſhall be judg'd Expedient for the whole United Kingdom ſo as there be always Continued in Scotland a Court of Admiralty ſuch as is in England, for determination of all Maritim Caſes, relating to Private Rights in Scotland, Competent to the Juriſdiction of the Admiralty Court Subject never-

theleſs to ſuch Regulations, and Alterations as ſhall be thought proper to be made by the Parliament of Great Brittain, and that the Heretable Rights of Admiralty and Vice Admiraltys in Scotland be reſerved to the reſpective proprietors, as Rights of property Subject nevertheleſs as to the manner of Exerciſing ſuch Heretable Rights, to ſuch Regulations and Alterations as ſhall be thought proper to be made by the Parliament of Great Brittain And That all other Courts now in being within the Kingdom of Scotland do remain, But subject to Alterations by the Parliament of Great Brittain And That, all Inferior Courts within the ſaid Limits doe Remain ſubordinat as they are now to the Supreme Courts of Juſtice within the ſame in all time coming And that no Cauſes in Scotland be Cognoſcable, by the Courts of Chancery, Queens Bench, Common Pleas, or any other Court in Wesminster Hall, And that the said Courts, or any other, of the like nature after the Union ſhall have no Power to Cognoſce, Review, or Alter the Acts, or Sentences of the Judicatures within Scotland, or Stop the Execution of the same, And That there be a Court of Exchequer in Scotland after the Union, for deciding Queſtions Concerning the Revenues of Customs and Exciſes there, having the ſame Power and Authority in ſuch Caſes as the Court of Exchequer has in England And That the said Court of Exchequer in Scotland have power of paſsing Signatures, Gifts, Tutories, and in other things as the Court of Exchequer at preſent in Scotland hath, And that the Court of Exchequer that now is in Scotland do Remain untill a New Court of Exchequer be settled by the Parliament of Great Brittain in Scotland after the Union, And That after the Union The Queens Majesty and Her Royal Succeſsors, may Continue a Privy Council in Scotland for preſerving of Publick Peace and Order, untill the Parliament of Great Brittain shall think fit to alter it, or Establish any other Effectual Methode for that end.

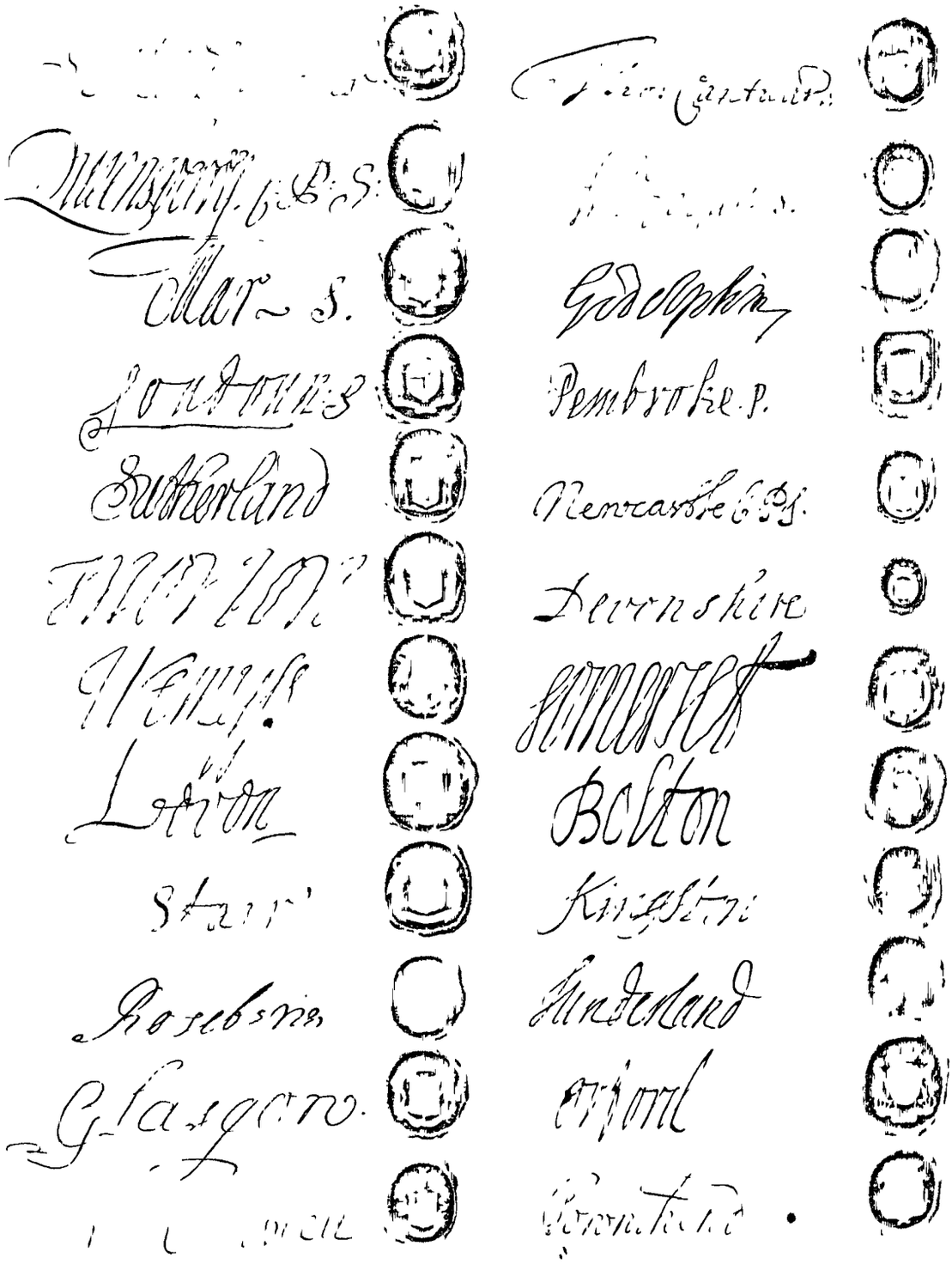
XX. THAT all Heretable Offices, Heretable Jurisdictions, Offices for Life, and Jurisdictions for Life be reſerved, to the Owners thereof as Rights of Property in the same manner as they are now enjoy'd by the Laws of Scotland notwithstanding of this Treaty.

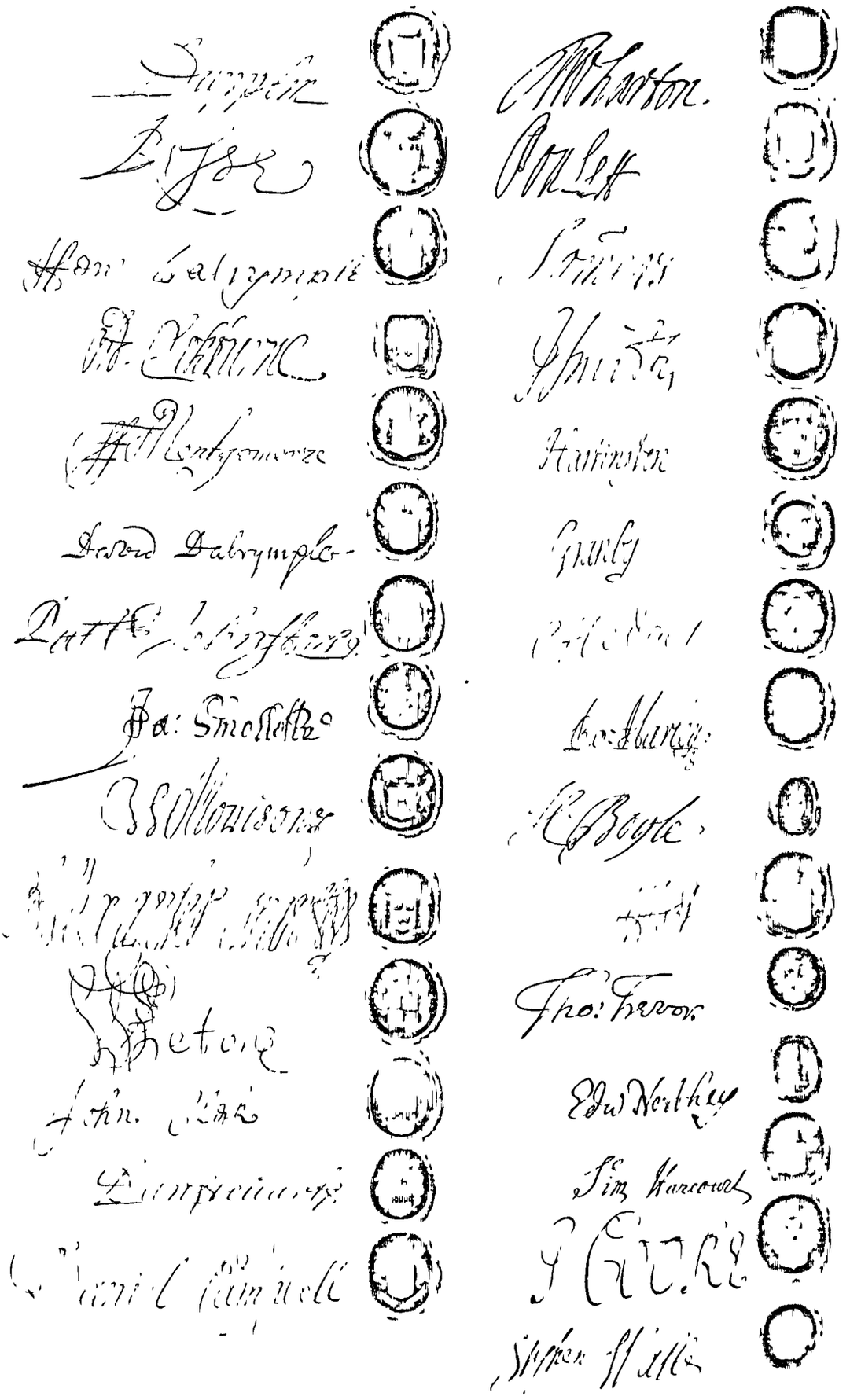
XXI. THAT the Rights and Priviledges of the Royal Burrowghs in Scotland as they now are doe Remain entire after the Union and notwithstanding thereof.

XXII. THAT By virtue of this Treaty of the Peers of Scotland at the time of the Union Sixteen shall be the Number to Sit and Vote in the Houſe of Lords, and Forty Five the Number of the Repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Brittain And that when Her Majesty, Her Heires, or Succeſsors shall Declare Her, or their pleaſure for holding the first, or any ſubsequent Parliament of Great Brittain untill the Parliament of Great Brittain shall make further Proviſion therein A Writ do iſsue under the Great Seal of the United Kingdom Directed to the Privy Council of Scotland Commanding them to Cauſe Sixteen Peers who are to Sit in the Houſe of Lords to be ſummon'd to Parliament And Forty Five Members to be Elected to Sit in the Houſe of Commons of the Parliament of Great Brittain according to the Agreement in this Treaty in such manner as by the Parliament of Scotland shall be Settled before the Union, And that the Names of the Perſons ſo ſummon'd and Elected shall be Returned by the Privy Council of Scotland into the Court from whence the said Writ did iſsue, And That if Her Majesty on, or before the first day of May next, on which day the Union is to take place, shall Declare under the Great Seal of England That it is Expedient that the Lords of Parliament of England, and Commons of the preſent Parliament of England should be the Members of the respective Houſes of the First Parliament of Great Brittain, for, and on the part of England, Then the saids Lords of Parliament of England, and Commons of the preſent Parliament of England shall be the Members of the respective Houſes of the first Parliament of Great Brittain, for, and on the part of England And Her Majesty may by Her Royal Proclamation under the Great Seal of Great Brittain, appoint the said first Parliament of Great Brittain to meet, at such time and Place as Her Majesty shall think fit, which time shall not be leſs than Fifty days after the date of such Proclamation, and the time and place of the meeting of such Parliament being so appointed, a Writ shall be immediatly iſsued under the Great Seal of Great Brittain Directed to the Privy Council of Scotland for the Summoning the Sixteen Peers and for Electing Forty Five Members by whom Scotland is to be repreſented in the Parliament of Great Brittain And the Lords of Parliament of England and the Sixteen Peers of Scotland, such Sixteen Peers being sūmoned and return'd in the manner agreed in this Treaty, And the Members of the Houſe of Commons of the ſaid Parliament of England and the Forty five Members for Scotland, ſuch Forty five Members being Elected and Return'd in the manner agreed in this Treaty, shall aſsemble and meet respectively in their respective Houſes of the Parliament of Great Brittain at such time and place as shall be ſo appointed by Her Majesty, and shall be the two Houſes of the First Parliament of Great Brittain And that Parliament may Continue for such time only as the preſent Parliament of England might have Continued if the Union of the two Kingdoms had not been made unleſs sooner disolved by Her Majesty, And That every one of the Lords of Parliament, of Great Brittain, and every Member of the Houſe of Commons of the Parliament of Great Brittain, in the first & all ſucceeding Parliaments of Great Brittain, untill the Parliament of Great Brittain shall otherwiſe direct, shall take the respective Oaths appointed to be taken, Instead of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary Intituled an Act for the Abrogating of the Oaths, of Supremacy and Allegiance and appointing other Oaths and make, ſubſcribe and audibly Repeat the Declaration mention'd in an Act of Parliament made in England in the Thirtieth year of the Reign of King Charles the Sēcond Entituled an Act for the more effectwall preſerving the King's perſon and Government by diſabling Papiſts from sitting in either Houſe of Parliament and ſhall Take & Subſcribe the Oath mention'd in an Act of Parliament made in England in the first year of Her Majestys Reign Intituled An Act to Declare the Alterations in the Oath appointed to be taken by the Act Intituled An Act for the further Security of His Majestys Person & the Succeſsion of the Crown in the Proteſtant Line, and for Extinguiſhing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abbettors and for Declaring the Aſsociation to be determin'd, at such time and in such manner as the Members of both Houſes of Parliament of England are by the said respective Acts directed to take, make and Subſcribe the same upon the Penaltys & Disabilitys in the said respective Acts contain'd And it is declar'd and agreed that theſe Words, *This Realm*, *The Crown of this Realm*, and the *Queen of this Realm* mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were Intended to Signify the Crown and Realm of England shall be underſtood of the Crown & Realm of GREAT BRITTAIN, and that in that Sence the said Oaths, and Declaration be taken & ſubſcrib'd by the Members of both Houſes of the Parliament of Great Brittain.

XXIII. THAT the forsaid Sixteen Peers of Scotland mentioned in the last preceeding Article to sit in the Houſe of Lords of the Parliament of Great Brittain shall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Brittain shall have after the Union, and particularly the Right of Siting upon the Tryalls of Peers, And in Caſe of the Tryal of any Peer in time of Adjournment, or Prorogation of Parliament the ſaid Sixteen Peers ſhall be ſummon'd in the same manner and have the same Powers and Privileges at such Tryal as any other Peers of Great Brittain And that in Caſe any

In Testimony Whereof the Commissioners for the respective Kingdoms, Empowered as aforesaid have set their Hands and Seals to these Treaties contained in this and the Twenty five foregoing Pages at Westminster the Seventh day of March in the Eleventh year of the Reign of Our Sovereign Lady Queen Anne of Great Britain &c. and in the Year of Our Lord One thousand Seven hundred and Seven.





Tryalls of Peers, shall hereafter happen when there is no Parliament in being, The Sixteen Peers of Scotland who sate in the last preceeding Parliament shall be summon'd in the same manner, and have the same Powers and Privileges at such Tryals as any other Peers of Great Brittain, And That all Peers of Scotland and their Successors to their Honours and Dignitys shall from and after the Union be Peers of Great Brittain, and have Rank and Precedency next and Immediatly after the Peers of the like Orders and Degrees in England at the time of the Union, And before all Peers of Great Brittain of the like Orders and Degrees who may be Created after the Union, and shall be Tryed as Peers of Great Brittain, and shall Enjoy all priviledges of Peers as fully as the Peers of England do now, or as they, or any other Peers of Great Brittain may hereafter Enjoy the same, Except the Right & Privilege of Sitting in the House of Lords, and the Privileges depending thereon and particularly the Right of Sitting upon the Tryalls of Peers.

XXIV. THAT from and after the Union there be One Great Seal for the United Kingdom of Great Brittain, which shall be different from the Great Seal now us'd in either Kingdom, And that the quartering the Arms as may best suit the Union be left to Her Majesty, And that in the mean time the Great Seal of England be us'd as the Great Seal of the United Kingdom, And that the Great Seal of the United Kingdom be us'd for Sealing Writs to Elect and Summon the Parliament of Great Brittain, and for Sealing all Treatys with Forreign Princes and States, and all Publick Acts, Instruments and Orders of State which Concern the whole United Kingdom, And in all other matters Relating to England, as the Great Seal of England is now us'd, And that a Seal in Scotland after the Union be always kept and made use of in all things relating to Privat Rights, or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants Commissions and Privat Rights within that Kingdom, And that untill such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be us'd for such purposes, and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now used in Scotland be Continued, but that the said Seals be Altered and Adapted to the State of the Union as Her Majesty shall think fit, And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Brittain shall hereafter make.

XXV. THAT all Laws and Statutes in either Kingdom, so far as they are Contrary to, or Inconsistent with the Terms of these Articles, or any of them, shall from and after the Union Cease and become void and shall be so Declared to be by the respective Parliaments of the said Kingdoms.

IN TESTIMONY Whereof the Commissioners for the respective Kingdoms Impowred as aforesaid Have set their Hands and Seals to these Articles Contain'd in this and the 25 foregoing pages At Westminster the day and year first abovewritten.

SEAFIELD CANCELLAR.
QUEENSBERRY. C: P: S.
MAR S.
LOUDOUN: S.
SUTHERLAND
MORTON
WEMYSS
LEVEN
STAIR
ROSEBERIE
GLASGOW.
ARCH CAMPBELL
DUPPLIN
ROSSE
HEW DALRYMPLE
AD: COKBURNE
F. MONTGOMERIE
DAVID DALRYMPLE
PATT[K] JOHNSTON
JA SMOLLETTE
W MORISON
ALLEXANDER GRANT
W SETON
JOHN CLERK
DAN STEUART
DANIEL CAMPBELL

THO: CANTUAR.
WM. COWPER. C. S.
GODOLPHIN
PEMBROKE: P.
NEWCASTLE C. P. S.
DEVONSHIRE
SOMERSET
BOLTON
KINGSTON
SUNDERLAND
ORFORD
TOWNSHEND
T: WHARTON
POULETT
SOMERS
J SMITH
HARTINGTON
GRANBY
C HEDGES
RO: HARLEY:
H. BOYLE
J. HOLT
THO: TREVOR.
EDW NORTHEY
SIM. HARCOURT
J. COOKE
STEPHEN WALLER

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